

SCHOOLS — CHILD SEXUAL ABUSE

Motion

HON NICK GOIRAN (South Metropolitan) [1.10 pm]: I move —

That this house implores the government to —

- (a) abandon its current policy which sees some victims of child sex offences attending school each day knowing they may be confronted by their abuser; and
- (b) inform the house of what it is and will be doing to protect these children and young people.

Many survivors of sexual abuse have explained to me the indelible impact on their lives from sexual trauma. I can never fully know how that feels, but I firmly believe that we have a duty to support every survivor and not tolerate their re-traumatisation. They deserve to be protected at home and school and in the community. Rehabilitation of perpetrators is important, but when that conflicts with the safety and protection of the abuse survivor, the survivor's rights and best interests must prevail.

The genesis of the matter that is before the house is the annual report hearings of last year. In November last year, I asked a question prior to the hearings —

- (5) I refer to the briefings the Minister received during the reporting period in relation to Operation Fledermaus and the Pilbara Joint Response Team, and I ask:

...

- (c) Did the Minister receive any documents at those briefings:

Answer:

Yes.

A further question was —

- (i) If yes, will you table those documents?

Answer:

Yes, please see attachment A.

Attachment A includes the following briefing note signed by the Minister for Child Protection on 6 August 2015, which states in part —

- Of the males identified as perpetrators ... one attends a Karratha Senior High School and the others attend Roebourne District High School (DHS). Communities has advised Roebourne District High School of all children who have been identified through Operation Fledermaus as a victim and/or alleged perpetrator ...

The answers to those questions prior to last year's annual report hearings were the genesis of my suspicion that victims and perpetrators were at the same school together. I wanted to test that suspicion at the annual report hearings, and I did so in two consecutive hearings on 14 November last year. The first was the Department of Education annual report hearing, followed by the Department of Communities annual report hearing. During the education session, I asked the Minister for Education —

Minister, during the reporting period, were you briefed about the male perpetrators identified during Operation Fledermaus who attend schools in Karratha and Roebourne?

Hon Sue Ellery said —

I was not briefed about anyone in particular ...

I then asked —

Are any of the witnesses before the committee here in a position to have knowledge about the male perpetrators identified during Operation Fledermaus who attend those schools?

In a long answer back, Hon Sue Ellery said —

... in respect to Operation Fledermaus, the department received notifications of 10 students who were enrolled in public schools at the time of the alleged sexual offences in the Pilbara ... Of those original 10, six are currently enrolled in public schools. The remaining four have either left school completely and are doing other things, or are enrolled in non-government schools.

I then asked —

Of the six that are currently enrolled, are any of them at the same school as their victim?

Extract from *Hansard*

[COUNCIL — Wednesday, 25 September 2019]

p7302b-7315a

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The response from Hon Sue Ellery was —

I do not know that I could tell you that.

I asked, “Does anyone know?” and she said —

I am advised we do not know.

That was in the Department of Education session. Immediately after that, we had the Department of Communities session, when I then asked the same minister who was then attending in a representative capacity —

Are any of the six child perpetrators who are still attending school at the same school as one of their victims?

Hon Sue Ellery said —

I am not sure, honourable member, that the Department of Communities could answer that question

After a short exchange between us I then said —

No, I asked you that in the last hearing and you said that the Department of Education is not told that information; it is the Department of Communities. That is why I am asking it now.

Hon Sue Ellery said —

Okay; I will see if I can give you an answer.

Then Mr Searle, who at the time was the director general, said —

My expectation would be that there are children who are at the same school because there are not a lot of schools in Roebourne, so it is reasonable to assume that there are. ... A range of things have been put in place in terms of safety plans to make sure that all children are as safe as we can make them.

Another witness, Mr Geddes, then said —

No, we could not answer that question now.

In the end, Hon Sue Ellery said “We could take it on notice.”

The outcome of those hearings was that the government said that it did not know, but there was an ongoing confirmation of the original suspicion. The director general said that his expectation was that this was happening, I then asked follow-up questions through the supplementary process, including —

Of the six child perpetrators known to the Department of Communities in Roebourne, are they at the same school as their victims?

Answer:

The Minister is aware of children with charges as part of Operation Fledermaus attending school. The number of children with charges in school is very small and could lead to children being identified.

In instances where a young person with charges attends a public school, every case is monitored, assessed and managed between the Department of Education, WA Police and the Department of Communities. These assessments are based on what is best for the school community and the individual children. This is not a responsibility taken lightly.

At the time, there seemed to be this ongoing pattern of answers, whether it was prior to the hearings, at the hearings or after the hearings, that confirmed the suspicion that victims are attending the same school as their perpetrators. There was never at any time any confirmation from the government to the contrary—far from it. Not once at any time was there any confirmation that this was not occurring. In fact, all the answers seemed to confirm the suspicion. On 22 November last year, the member for Darling Range asked the Minister for Child Protection about a related issue and the response from the minister included —

The situation I am outlining in terms of child safety where there might be children displaying harmful sexual behaviours and other children are at risk, is not particular to the west Pilbara.

The suspicion then elevates from one whereby it might have been potentially at the time isolated to a particular geographical region in Western Australia to a confirmation from the Minister for Child Protection that this is not geographically restricted. That tells me that it is highly probable that this is occurring in other places in Western Australia. At around that time, I also asked the minister representing the Minister for Child Protection about these revelations in the annual report hearings. The original response was that the answer could not be provided at that time. But at a later stage, an answer was given that read, in part —

In any community, it is difficult to ensure that offenders and victims never come into contact with each other.

It also states —

In instances in which a young person with charges attends a public school, every case is monitored, assessed and managed between the Department of Education, the WA Police Force and the Department of Communities. These assessments are based on what is best for the school community and the individual children. This is not a responsibility taken lightly.

Later that month, I again asked the Leader of the House representing the Minister for Child Protection about this matter. The response that came back stated —

The Department of Communities is aware of those children who have been charged as part of Operation Fledermaus. The number of those children with charges who attend school is very small and providing further comment could lead to them being identified. In instances in which a young person with charges attends a public school, every case is monitored, assessed and managed between the Department of Education, the WA Police Force and the Department of Communities. These assessments are based on what is best for the school community and the individual children. This is not a responsibility taken lightly.

When I asked a further question at the beginning of this year in February 2019, we basically got the same response—effectively a cut and paste in every instance.

I anticipate that the government, in responding to this matter, will draw to members' attention that it has introduced a multi-agency protocol. I anticipate that that will be part of the government's response. It is true that this government has implemented a multi-agency protocol. I have previously put on the record that I congratulate the government for the establishment of that protocol, but I say this to members: a protocol is a piece of paper and it means nothing for the protection of victims of child sexual abuse if that piece of paper—the protocol—is wrong and if it has not been implemented; that protocol then means nothing. But the idea and the creation of a protocol is an initiative of this government that is worthy of applause.

I draw to members' attention that the government knows that this multi-agency protocol is in error. Questions have been exchanged between me and the minister who represents the Minister for Child Protection in this place, and, on another occasion when she was away on urgent parliamentary business, the Deputy Leader of the Government in the Legislative Council, which confirm that the protocol is in error. Recently I asked when this protocol would be updated or revised. I draw to members' attention question without notice 994 asked recently on 17 September this year. My question to the Minister for Education and Training states —

I refer to the statement by the Minister for Environment on 22 August 2019 on behalf of the Minister for Police in which it was revealed that the multi-agency protocols for education options for young people charged with sexual behaviours contains at least one statement that, whilst correct when first created in 2017, is now incorrect.

...

(2) Will the minister table the updated protocols once they are revised?

The answer to (2) was "Not applicable."

This is one of several instances when I am gravely concerned that the protocol is wrong. At the very heart of this issue is the view of some within government that it is okay in certain circumstances for the victim and the perpetrator to be at the same school together. It seems to be a view within government that in certain circumstances that is okay and that view is held because the situation is complex—a point on which I agree—and the response to this complex problem needs to be nuanced. It does not matter how nuanced we are, if the victim of child sexual abuse has to see the perpetrator at the same school, it re-traumatises them. It is no comfort to them for a government of any persuasion to say that this is a complex matter that requires a nuanced approach. No, it does not require that approach. What is required is for the rights and the safety of that victim, that survivor of child sexual abuse, to be put first, to be made paramount and to be put above the necessary and laudable desire to re-educate and rehabilitate the perpetrator. I am the first person to say that the perpetrator of the abuse, particularly a person under the age of 18, needs to be rehabilitated and educated. But they lost the right to receive education at the same campus or site as the victim of the abuse the moment the attack occurred—they lost that right then. That does not then mean that we get to abdicate our responsibilities around this issue. We still need to wrap every support around the perpetrator to make sure that they are rehabilitated and educated. I accept that that process is complex and nuanced, but there is nothing complex and nuanced about a victim of child sexual abuse having to go to school at the same site as the perpetrator.

When I was working in my previous profession, I often had to deal with adults in their 30s, 40s and 50s who would recount to me the trauma of their childhood. For any victim of child sexual abuse, the journey of recovery from that trauma is extensive; it is a real marathon. The worst thing that we can do is put them in a situation where they are forced to confront their perpetrator on a daily basis. I am quite confident that there would not be a school in

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Western Australia that puts the victim and the perpetrator in the same classroom. It would beggar belief if that were the case. I have no evidence to suggest that that is the case.

Hon Colin Tincknell: I am not sure you are correct. In some remote schools that still happens.

Hon NICK GOIRAN: If that is the case, honourable member, I am distressed to hear that, but I will put that to one side for a moment. I want to make the point to members that having the perpetrator on the same campus or site is already too much for those victims to bear. When I took statements from those victims of crime, many of them told me how they would skip school because of the trauma that they had experienced. Imagine how many times a child would skip school if they knew that the perpetrator was attending school on the same site. That is not complex or nuanced. The way in which we rehabilitate the perpetrator is complex—no question. The way in which we try to help a victim and a survivor of abuse to recover requires a lot of investment and time and it is also complex, but it is not complicated for the government to start with, as a default position, a statement in its policy that the right of the victim to receive an education free from the perpetrator is paramount. That is not complex; we can do that.

Today I am asking for a correction in the approach that has been taken. I re-emphasise that I applaud this government for introducing the protocol. It gets full marks from me for establishing that two years ago. But if we fast forward to today, at what point do we say that it is time to review that protocol, particularly if we know that there are errors in it? At what point do we say: “Let’s enhance this protocol”, and at what point do we say that it is time for a correction? The correction that I am asking for is simply that the right to education of the victim—the survivor—takes precedence over the right of the perpetrator.

It has been put to me that a briefing was provided to some members yesterday. I have not been provided with that briefing so I do not know what information has been provided to members. One member suggested that I had previously been offered a briefing. I have never, ever been offered a briefing about this matter. When agents have said that a briefing has been offered to me, it was about Operation Fledermaus and the west Pilbara plan. I have definitely been offered a briefing about that, but I have never been offered a briefing about victims of abuse having to confront their attacker at school every day. This issue is not isolated to the west Pilbara. That has never occurred. It is unfortunate that I was not offered a briefing, but that is really not the point. All I am asking members to agree to here today is a correction. We need to abandon the policy that sees this situation happening at the moment, and ensure that the right of the victim is paramount. In doing so, the second limb of my motion simply asks the government what it is doing at the moment, and what it intends to do in the future. This ought to be an area on which we can work on a bipartisan basis. There is no reason why that cannot be the case. I once again commend the government for the implementation of the multi-agency protocol. I implore the government to review it and correct it to ensure that the rights of the victim are paramount. In doing so, we can all work together to ensure that these children and young people are protected.

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [1.31 pm]: I thank the honourable member for bringing this issue to the attention of the house. I am pleased to discuss and deal with these important matters for our community as a whole. Where I differ from the mover of the motion is that I think the language in the motion is neither the most helpful nor appropriate. It is emotive, and I think there is a suggestion in the second part in particular that there is a deliberate policy framework that is harmful to children, when in fact the opposite is the case. I flag that I will be moving an amendment to the motion. I understand copies of that amendment have been circulated, and I will formally move it in due course.

I start by referring to volume 10 of the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse, “Children with harmful sexual behaviours”, which will be helpful for people to understand the context. I want to take members to a couple of the findings in that volume. The royal commission specifically published this section, volume 10, because it identified that this was, if you like, an increasing and emerging area of harmful sexual behaviours perpetrated by children against other children, and that not a great deal of considered research and policy development had been done on it in a consistent and coherent way. The royal commission examined the evidence put before it and made recommendations that governments across Australia, including this one, have accepted, and provided some best practice guidelines on how governments, including schools, should deal with these sorts of issues. That is what this government is following. I will walk members through the summary document in that volume before I make the rest of my comments. It reads —

The term ‘harmful sexual behaviours’ covers a broad spectrum of behaviours. They can range from those that are developmentally inappropriate ... to criminal behaviours such as sexual assault.

The spectrum of harmful sexual behaviours and the diversity of children’s backgrounds and circumstances mean that no one response or intervention is suitable for all children with harmful sexual behaviours.

...

We —

That is, the royal commission —

suggest governments should build on the public health approach embodied in the National Framework to develop a framework for preventing harmful sexual behaviours occurring, intervening early when problematic or harmful sexual behaviours first emerge, and enabling children with harmful sexual behaviours to access assessment and therapeutic intervention.

That is what this government has done. The report goes on to state —

It is important that children's harmful sexual behaviours are identified early. If children are provided with an appropriate assessment and a therapeutic response that is tailored to their particular needs, background and situation, then the behaviours are more likely to cease and less likely to escalate. In turn, children are less likely to require a criminal justice intervention.

The report goes on to state —

... governments should ensure children exhibiting these behaviours have access to specialist assessment and a range of therapeutic interventions that can address their varying levels of need and be tailored to the child's particular background and situation.

...

The public health model encompasses three tiers of interventions ... We believe this model can be applied as an overarching framework that will improve prevention as well as allow a range of interventions to be implemented so that children with harmful sexual behaviours receive a response that is tailored to their unique situation and context.

Multi-agency collaboration should be at the heart of a public health approach to children with harmful sexual behaviours. Child protection, police, health, therapeutic treatment services, juvenile justice and institutions where a child has exhibited harmful sexual behaviours will all have expertise and particular insight that can inform interventions for the child. Information sharing is key to achieving the best possible outcomes.

...

An institutional response to an incident where a child displays harmful sexual behaviour should include:

- monitoring the wellbeing of all children involved—the victim, the child who caused the harm, and any witnesses ...
- communicating with the children involved, their parents or carers and relevant agencies, including police and child protection ...
- documenting events and sharing relevant information with relevant agencies, where necessary and appropriate.

The report goes on to say that for each child we need to take into account the particular circumstances, the family situation, and the background of their unique upbringing and life circumstances, and that therapeutic interventions should be tailored to the child's behaviours as well as their particular situation. Most importantly, the royal commission recommends best practice principles for interventions —

- A contextual and systemic approach should be used. For interventions to be effective they should take account of a child's whole environment ...
- Family and carers should be involved ...
- Safety should be established. An overarching safety plan must be agreed on between services, home and school that provides safe and appropriate ways of managing the child's behaviour.

I could go on, but I am not going to have time. I highly recommend that members take the time to read that royal commission report.

I am not going to repeat what the honourable member referred to, because I have said it on several occasions. In the two months before we first came into government, there had been two particularly awful cases involving children exhibiting harmful sexual behaviours against other children, and schools were dealing with those situations. On the day that I was sworn in, I asked: What is the protocol for sharing information so that each agency would know what everybody is doing? What is the protocol by which the school is advised that a child has been charged? I was advised that no such notification process was in place between agencies. Whether or not schools were notified that a child perpetrator was at the school was random. It is already on the record that we put in place the multi-agency protocol for education options for young people charged with harmful sexual behaviours. That is the protocol that the honourable member referred to. In putting that protocol together, we brought together all the agencies, including the Catholic Education Commission of Western Australia and the Association of Independent

Schools of Western Australia, representing independent schools, and we used the royal commission best practice principles as a guide for putting that protocol together, and the elements that needed to be taken into account. At the heart of it is the safety of the child—every child—and at the heart of that, parents need to be confident that measures have been put in place to protect everybody in school, and that is what we did; we provided safety for victims and for everybody else in school.

When a young person is charged, WA Police Force now notifies the Department of Education where that young person is attending school. The protocol enables the department to determine the most appropriate safety plan and education placement for children charged with harmful sexual behaviours. Determining whether a young person or a child charged with those behaviours should remain at a particular school requires a risk assessment to be conducted, with the school environment, restrictions or conditions set by bail to be taken into account, and it requires the involvement of all the relevant agencies, including Child Protection and others. Each case is assessed on an individual basis. That is not because, as the honourable member implied, there is some commitment to nuancing—that is the word that he used—the response. It is because the royal commission has said that we must tailor the response to the individual requirements of each child. That is why after an assessment a different set of arrangements may well be put in place for circumstance X than for circumstance Y. That is because the best practice principles available to anyone in the world—bearing in mind that the royal commission in Australia was leading the way on this—are that we must tailor the response and the safety plan to the specific needs of each child.

The honourable member referred to risk assessment and management plans, or RAMPs. RAMPs are developed for public schools by the department at school level, taking into account all the issues that need to be taken into account. I advise the house that Catholic Education Western Australia has adopted exactly the same RAMP that is used by public schools. Their psychological support and other services are slightly different, but the case management process and the RAMP document are exactly the same. The Association of Independent Schools of Western Australia, on behalf of independent schools—which members need to understand are different from Catholic schools, in that they are not part of one system—have also adopted a practice whereby their schools do individual case management. There may be a variation of the risk assessment tool that is used, but the principles are the same. That goes back to the first point I made. We have adopted the practice recommended by the royal commission. Whether the perpetrator will remain at the school is one of the things that is taken into account when the risk assessment and safety plan is put in place. It may well be, and it is the case, that perpetrators are moved to an alternative learning setting or use the School of Isolated and Distance Education. That may be the most appropriate way of managing that, but that is not always the case. If it is determined that it is not in the best interests of the victim, for example, that the perpetrator be moved, an extensive safety plan is put in place around that child to ensure that everybody is kept safe.

The most appropriate education program, as well as clinical services, is decided with the best interests of the student in mind. I get it when the honourable member says this is complex, and it is complicated. I do not hide behind those words. They are statements of fact. However, I want to assure the house that at the heart of the policy is world's best practice, and at the heart of it is the safety of children.

Since early 2017, 91 notifications have been provided to the department from the police for which the subject of the notification was a student enrolled in a public school. For 23 of those notifications, at the time of the notification, the perpetrator and the victim were in the same school. As at 23 September, six of those 23 perpetrators were still enrolled at the same school as the identified victim. RAMPs are in place for those children. Very specific measures are in place to deal with the safety of the victims in those particular settings.

Before I move my amendment, I want to touch briefly on the west Pilbara plan. I agree with paragraph (b) of the honourable member's motion, which calls on the government to inform the house of what it is doing. Students for whom risk assessment management plans are in place are monitored on the department's harmful sexual behaviour protocol daily enrolment tracker. Students at educational risk meetings for individual case management are ongoing. The school psychology service provides in-school support on a weekly basis. The Child and Adolescent Mental Health Service is visiting affected students at school on an ongoing basis. Support continues to be provided through the Pilbara education regional office, CAMHS, and the school psychology service. Further to tracking and case management of affected children, secondary schools are collaborating with police to improve attention and build engagement with targeted secondary students. This includes before-school activity, after-school activity and in-school activity.

Roebourne District High School continues to liaise with allied health professionals, the Department of Education school psychology service, Department of Communities intensive family support, and Western Australian Country Health Service paediatric services to ensure supports for all students. Positive parenting program seminars have been delivered in 2018 and 2019 in Roebourne, Karratha and Millars Well, and planning is underway for further PPP sessions in term 4 this year, which is coming up, and in 2020.

Earlier this year, the department ran professional learning in sexuality and healthy relationships education in schools for all staff, interagency partners and non-government organisations. Roebourne District High School is working with the Department of Communities, Yaandina Community Services and the Strong Women's Group around the "Safe Children Make Stronger Children" program. This is around protective behaviours and is delivered by community members alongside Aboriginal and Islander education officers and complements the current school protective behaviours program. The department has established a fixed-term position to drive implementation of the west Pilbara plan actions that the department leads. That commenced in April this year and is based at Roebourne District High School.

I turn now to how the protocols typically work. Western Australia Police Force notifies the director general of schools, and the director general passes that message to the relevant school. The notification includes any bail conditions. The principal will require the parents to attend to discuss the planning in order to deal with establishing a risk assessment plan. Before any student returns to school, a cross-agency meeting is coordinated. All the relevant agencies are represented at these meetings. Depending on the individual circumstances, case conferences will involve a variety of agencies. Risk assessment and safety planning considerations are the key focus areas for those at the meeting. It includes any restrictions that need to be put in place for the student; the educational program and the placement of those students; agreement on attendance and support programs and release of information; therapeutic options required; additional resources required; agreement on stress indicators and consequential actions; and agreement on a strategy to protect the victim. The RAMP is then implemented. In the case of independent and Catholic schools and individualised case management and risk assessment plans, Catholic Education uses the same RAMP as is used in public schools.

There is more to do to improve the protocol. I do not think any such protocol should remain a static instrument. That would mean it would soon become irrelevant. I do not walk away from the fact that continual work needs to be done. That is a fact. We need to make sure that the protocol is appropriate.

Amendment to Motion

Hon SUE ELLERY: At this point, it is appropriate that I move the amendment of which I gave notice earlier. I move —

To delete all words after "house" where it first appears and substitute —

- (a) notes with concern incidents of children and young people charged with harmful sexual behaviour;
- (b) calls for all policies related to managing the education of victims of children and young people charged with harmful sexual behaviour to put the safety of the children and young people first and ensure no further harm is caused to the victims by ongoing contact with the alleged perpetrators; and
- (c) calls for the government to inform the house of what it is and will be doing to protect these children and young people.

I believe that the tone and language of the amendment are perhaps less emotive than in the original motion. It also deals with the unfair and inaccurate characterisation by the mover of the motion that the government has put in place a deliberate policy to cause further harm to those who have already been betrayed and harmed by the sexual abuse that has already inflicted upon them. I believe the language needs to be deliberate. That reflects another recommendation of the royal commission; namely, that language is important when we talk about these things. It is important that we do not unduly—what is the right word?—sensationalise what is a very difficult circumstance for everyone.

It is right that the house express concern that there are children in our schools who are subject to sexual abuse by other children. It is right that the house ask the government what it is doing about that. The government is doing much more than was done before. It was random whether schools were even told that a perpetrator was attending their school. We have moved on from that. However, we cannot rest on our laurels. We should not assume that we have got it right and that we will never need to amend the protocol in any other way—we should. We should always be vigilant.

The amendment I put before the house now provides us with the opportunity to accommodate members' legitimate concerns to recognise and to call on the government to ensure that we put child safety at the heart of it. I hope that the information I have provided to the house in my presentation, in fact, demonstrates that so far we have done that. As a former Minister for Child Protection, I will never underestimate the importance of constant vigilance when it comes to matters related to child protection. Anyone who thinks that we have one silver bullet, policy approach or otherwise, that can fix this for ever is wrong. We need to be constantly vigilant, but I think that the

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actions we have taken so far are consistent with where I started: what is the best practice that was recommended by the royal commission? Therefore, I put the amendment before the house.

The PRESIDENT: The Leader of the House has moved her amendment, and the first question is that words to be deleted be deleted.

HON NICK GOIRAN (South Metropolitan) [1.50 pm]: I rise to indicate that in principle I support the amendment moved by the Leader of the House, but I will just draw to her attention an inadvertent, I think, error in the motion. If the Leader of the House looks at (b), she will see it says —

calls for all policies related to managing the education of ...

I think the words “victims of” should be deleted, and, accordingly, I will be proposing an amendment to the amendment of the Leader of the House, because I am concerned that the amendment would otherwise imply that it is the victims who are charged with harmful sexual behaviour, and I am relatively confident that that is not what is intended. It will read better and clearer if we delete “victims of”.

I indicate that I otherwise support the principle that is being moved forward by the Leader of the House, and I do so because I think it usefully encapsulates what I have been asking for. I draw to members’ attention that the amendment, if passed, would seek that all policies would ensure that no further harm is caused to the victims by ongoing contact with the alleged perpetrators. That is all I have ever been asking for for the last 10 months. I have no problem with that form of wording that is preferred by the government. I want to say two further things in support of the amendment moved by the Leader of the House—that is, police inform the Department of Education about these matters if they are satisfied that there is concern for other students. It is important for members to appreciate that the protocol and the sharing of information is triggered only in circumstances in which the police determine that there is a concern for other students. Otherwise, the Department of Education is unaware of what is happening. The very fact that the police say that there is a concern for other students immediately puts this matter on high alert; it should be categorised as red alert. That is why, given the seriousness of the matter, and given that the police have determined that it has concern for other students, I support the amended motion by the Leader of the House that will call for all policies to ensure that there is no further harm caused to victims by ongoing contact with the alleged perpetrators.

If my amendment to the amendment, which will be to delete “victims of” where it appears at (b), is supported, the final version of the motion would read —

That this house —

- (a) notes with concern incidents of children and young people charged with harmful sexual behaviour;
- (b) calls for all policies related to managing the education of children and young people charged with harmful sexual behaviour to put the safety of the children and young people first and ensure no further harm is caused to the victims by ongoing contact with the alleged perpetrators; and
- (c) calls for the government to inform the house of what it is and will be doing to protect these children and young people.

I move that amendment, accordingly.

The PRESIDENT: Member, just to be clear in my own mind, because I do not actually have a written copy, what you are seeking to do in part (b) is delete “victims of”. Is that the only change to that part of the amendment?

Hon Nick Goiran: Yes.

The PRESIDENT: Member, noting that you want to move that amendment, there is a procedure we must deal with first. We must deal with the first question before the house, which is the amendment that has been moved by the Leader of the House. The first question, of course, is to delete the words, and then the second question will be to insert the words in the amendment moved by the Leader of the House. If that amendment is agreed to, then you can rise and seek to move your amendment to delete the words that you want to delete. Therefore, I am going to proceed down that path.

HON ALISON XAMON (North Metropolitan) [1.55 pm]: I rise to indicate that the Greens—although, we ordinarily do not support messing around with other people’s motions too much—will absolutely be supporting a change to the motion that is in front of us today. I am pleased to hear that there appears to be agreement across the house to try to ensure that we have a motion that is not unnecessarily inflammatory and perhaps is going to reflect, more appropriately, the complexity of this deeply emotive issue. It is really important that this chamber takes this issue very, very seriously and is appropriately sensitive to the matters that we are going to be debating. I obviously have a much broader contribution that I wish to make on this very important issue, but it is very significant that we ensure that we have an alternative motion in front of us that is more appropriately sensitive.

In terms of the foreshadowed amendment put forward by Hon Nick Goiran, I point out from the outset that we are talking about two different children who are being affected by these policies. One of the children has been identified—indeed, as is written in front of us—as a victim of “children and young people charged with harmful sexual behaviour”. We are talking about a distinct group of children—namely, those who have been perpetrated against by other children. We are also talking about children and young people charged with harmful sexual behaviour. Therefore, I want to ensure that this Council recognises that when considering the needs of children, we are indeed talking about two lots of children who have extremely sensitive needs. I thought I would put that out there because I am not quite sure that even the foreshadowed amendment to the amendment necessarily recognises that.

HON AARON STONEHOUSE (South Metropolitan) [1.57 pm]: I rise to indicate my support for this amendment. Again, as the previous speaker indicated, I am not particularly a fan of drastically amending someone’s motion on notice, but given that the Liberal Party has indicated that it will support this amendment, subject to a slight change, I am inclined to forgo my initial instinct to reject drastic amendments. This amendment is actually more pointed than the original motion. I have always had the concern that when managing child victims of sexual abuse, certain cultural sensitivities are given priority over the safety of children, and that that may be the case with some bureaucrats charged with the protection of children. That is a hard claim to substantiate, as I am not sitting in on the discussions about the management of children, but it has always been a suspicion of mine. In conversations I have had recently, and from briefings offered to me by the Minister for Education and Training, it seems there are some difficulties when managing perpetrators in that the Department of Education has an obligation to provide education to all children, regardless of whether they are charged with a crime and out on bail. Despite the obligation the state has to be an educational provider of last resort, I still believe the duty to protect children from harm should be raised above whatever obligations the state has to educate children. Ultimately, the protection of victims of child sex abuse, and in fact their right to education, should be elevated slightly above the education of perpetrators, in this case.

I note that paragraph (b) of the proposed amendment to the motion states in part “put the safety of the children and young people first”. That line alone makes me very happy with this amendment. The safety of children and young people should always come first. Before cultural considerations and before considerations of obligations for the education of perpetrators, the safety of children should always come first, above all else. On that basis and hearing the support of the Liberal Party to amend its own motion, I am willing to support this amendment. I will consider subsequent amendments to the wording that might clear up and clarify who is being managed, whether it is the victims or the perpetrators.

HON COLIN HOLT (South West) [2.00 pm]: I indicate that the National Party will also support the amendment moved by the Leader of the House and foreshadow that Hon Nick Goiran’s proposed amendment will also be supported. I listened very closely to the contribution made by Hon Nick Goiran about paragraph (b) of the motion. The crux of his argument was to make sure that the safety of children and young people was put first in any of these situations. Paragraph (b) encapsulates many of his concerns. I personally had an issue with the words “abandon its current policy” in the original motion. There needs to be a degree of flexibility in responses to managing these issues at a community and school level. Many members in this place would be aware of the mandatory registration of sex offenders on the sex offenders register. Obviously, people are entered on that register for some serious crimes, but some young people have been caught up on the sex offenders register for what could be considered minor crimes, including consensual sexual activity between people under the age of 15. Sometimes they are registered on the sex offenders register in a mandatory way. There are also, potentially, some reporting requirements around it, although the Commissioner of Police has the ability to suspend those reporting requirements. Someone cannot be taken off the sex offenders register but their reporting requirements can be suspended. That has been done when the Commissioner of Police has said that they do not need to report to police because the crime they have been charged with and the risk to the community is at a very, very low level. They no longer need to report to police once every three months or once a year, or whatever it might have been. Those same people still need to go to school. In fact, these could be acts between a consenting boyfriend and girlfriend who have been caught up in sexual acts and been charged. I had a problem with the words “abandon its current policy”. We need to establish some very flexible policies that can accommodate all the scenarios that occur along that continuum of sexual behaviour and sexual crimes, including making sure that serious crimes are dealt with in an appropriate manner, as well as providing flexibility to deal with others. I indicate that the National Party will support the amendment and the foreshadowed amendment.

Question (deletion of words) put and passed.

Amendment on the Amendment

HON NICK GOIRAN (South Metropolitan) [2.04 pm]: I move —

To delete paragraph (b) and substitute —

Extract from Hansard

[COUNCIL — Wednesday, 25 September 2019]

p7302b-7315a

Hon Nick Goiran; Hon Sue Ellery; Hon Alison Xamon; Hon Aaron Stonehouse; Hon Colin Holt; Hon Colin Tincknell; Hon Colin De Grussa

- (b) calls for all policies related to managing the education of children and young people charged with harmful sexual behaviour and their victims to ensure the safety of the children and young people first and ensure no further harm is caused to the victims by ongoing contact with the alleged perpetrators; and

I feel that that amendment will make it clear we are talking about managing the education of both the perpetrators—that is the children and young people charged with harmful sexual behaviour—and the victims. I do not believe anyone intended to suggest that it was the victims who had been charged with harmful sexual behaviour.

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [2.05 pm]: I am happy to say that I agree with the changes proposed by Hon Nick Goiran. For members who do not have the proposed amendment in front of them, it will effectively change where certain words are placed so it is clear that it is about managing the education of perpetrators and their victims in such a way that the safety of children is the priority. That is the effect of the change in the words.

Question (amendment on the amendment) put and passed.

Amendment, as Amended

Question (insertion of words) put and passed.

Motion, as Amended

HON ALISON XAMON (North Metropolitan) [2.06 pm]: I rise to indicate that I am pleased that the house has made the decision to debate this issue in a more appropriate way. This is a very sensitive issue and it is absolutely essential that the Legislative Council treats it with the utmost sensitivity. This issue is not only important, but also very complex. It is essential that we ensure that we are never framing it as a black-and-white issue and that we never frame it in terms of “children who are victims are good” and “children who abuse are bad”. I think that is pretty unrealistic and would be a pretty abhorrent approach to take because it does not recognise what is happening for these children. It is really important that we also consider the evidence around this issue. Children who sexually abuse other children do not ever engage in this type of behaviour in a vacuum. The Commissioner for Children and Young People has been doing some really good work around this. The commissioner released a 2018 discussion paper on harmful sexual behaviours. In that paper, the commissioner said —

... children who show these types of behaviours have often experienced multiple types of harm or cumulative harm to their development. They are more likely to have been sexually abused than children who have not engaged in these kinds of behaviours and are more likely to have experienced other forms of abuse and neglect.

It is really important to recognise that the children who have engaged in harmful sexual behaviours have also been absolutely failed. When public policy is made in this space, it is critical that we are very careful not to set up a dichotomy between worthy victims and unworthy victims. I will never agree that if a child has engaged in harmful sexual behaviours, they have automatically forfeited any right to an education. It is far more complex than that. I point out to members that some of the children who engage in harmful sexual behaviours can be really young; they can be six years old and younger. They may not even have begun to lose their baby teeth.

I have mentioned before that in my previous life I worked with children at risk in community development settings, working with children who were subject to the child protection system. I was working specifically with children aged between four and 13 years old and I dealt with some really complex cases of children who were engaging in harmful sexual behaviours. A lot of the time they have no understanding of the nature of their behaviours and why they do it, and that is precisely why we need complex responses to these issues. It is clearly a very challenging space. I go back again to the sorts of things the Commissioner for Children and Young People has been speaking about. I think this is a really helpful quote, which states —

Children and young people who display HSB are, first and foremost, children. They require treatment that accounts for their age and capacity as they have varied needs and come from diverse and complex backgrounds. As such, a one-size-fits-all approach to responding to these behaviours is insufficient.

Recent research into what is, effectively, a decade’s worth of Western Australian child protection data has found that just over half the substantiated child sexual abuse allegations against children were abuse by a family member, with about a quarter of the children having been abused by a sibling. Another third was perpetrated by so-called friends or neighbours. Of the substantiated child sexual abuse allegations, 7.2 per cent were against children under the age of 10, while an average age of children believed to be responsible for abuse was 13 and a half years. We are talking about a very broad range of children, some of them extremely young.

It is very important that we talk about the Royal Commission into Institutional Responses to Child Sexual Abuse because some very important recommendations have come from it. This royal commission dedicated a 233-page volume of its final report to the specific issue of children who engage in harmful sexual behaviours. As has been said by the minister, I encourage members to read this. If they want to talk about it in an informed way, it is the starting point. They need to read it. The royal commission's work was quite incredible. I have spoken about it before. Over five years, more than 1.2 million documents were examined and more than 1 200 witnesses gave evidence. We know the royal commission was needed precisely because our institutions were not protecting children from abuse, were not responding effectively to complaints and did not provide adequate support and intervention to children either harmed or exhibiting harmful sexual behaviours. The royal commission report quite clearly articulated the many ways individuals, our government and our institutions horrifically failed child victims of sexual abuse over a very long period. There were 409 recommendations from that work. According to the royal commission, the impacts of harmful sexual behaviour by children resemble the impacts of sexual abuse perpetrated by adults. I know Hon Nick Goiran cares very deeply about the long-term impacts of sexual abuse, because we know it can include immediate and long-term adverse effects for victims. We know they can impact on their physical and psychological health, their neurobiological development and their interpersonal relationships, as well as their connection to culture and, indeed, their entire sexual identity. It is a very, very serious issue and one that we must make sure we are getting right.

Some of the key problems identified by the royal commission's responses to incidents of harmful sexual behaviours in children included not identifying when the behaviours are occurring, which has been a problem in the past; minimising the behaviours rather than recognising them as serious matters that require intervention; and not communicating appropriately with the affected parties. I am really pleased that work is being done to address these problems. As has already been said, under the previous government, no protocols were in place to help schools respond to students who were exhibiting harmful sexual behaviours. I, for one, appreciate that the current Minister for Education and Training has acted swiftly to address this gap. I am really pleased that that has occurred. I welcome that the current protocols are multi-agency. It is really good that they are flexible. They need to be flexible. We need to recognise that harmful sexual behaviour in children can encompass a range of behaviours and circumstances. That means that our response needs to be tailored to the circumstances of individual cases. Despite some positive changes—I am sure the minister will be the first one to acknowledge this—there are still significant gaps in the way we respond to the spectrum of harmful sexual behaviours in children. This is just the beginning of this important work. We still have a lot to do. The royal commission identified a lack of over-arching coordinated approaches to this issue and recommended applying, as has happened here, a public health model encompassing three tiers of intervention. It talked about the need to have primary, secondary and tertiary interventions. The primary interventions need to be community-wide interventions that aim, importantly, to address in a non-stigmatising way the widespread lack of understanding of children's harmful sexual behaviours—it is really poorly understood—to give children clear guidance on what peer and adult behaviours are wrong and where they can seek help. It also needs to take into account their gender, their age, the cultural context and their disability.

The secondary interventions are to focus on early intervention to prevent children's problematic sexual behaviour from escalating to the point at which they might harm other children. Secondary interventions are directed to children at higher risk of displaying harmful sexual behaviours and seek to ensure that institutions have clear policies on how to deal with harmful sexual behaviours in children. The sorts of risk factors for children that were identified were adverse childhood experiences; intellectual impairment and learning difficulties; unfortunately, being in out-of-home care; and institutional cultures. It is interesting that hierarchical or those considered to be hyper-masculine cultures exist in some sporting clubs, male boarding schools or Defence Force settings. I want members to think about that because it might challenge some of their preconceived notions of the sorts of risk factors that might bring about the concerning sexual behaviours we are discussing now.

The royal commission said that tertiary intervention was a key area and that included child protection and criminal justice responses, as well as therapeutic assessment and interventions. This is, effectively, what we are talking about today—those tertiary responses. As I said, I acknowledge the work being undertaken by the Commissioner for Children and Young People incorporating child-safe standards across WA institutions and organisations working with children and young people. I think this important work forms part of the primary and secondary interventions, which we need, to make sure we are adequately addressing harmful sexual behaviours.

With regard to the provision of tertiary interventions, the royal commission developed some best practice principles for therapeutic interventions. I will not go into the detail of the principles because I do not have enough time, but my goodness, this is important and I wish I did. However, it is worth acknowledging that the commission outlined the importance of overarching safety planning that includes services, home and school. The principles also note that children need to be supported to acknowledge and to take responsibility for their behaviours and that for interventions to be effective, they should take account of a child's whole environment and, again, include family, neighbourhood and community supports. As pointed out by the royal commission, it is critical for children with

harmful sexual behaviours to have access to quality assessments and therapeutic intervention. A wide range of research demonstrates that children are more likely than adults to respond to rehabilitation and therapy. That is the good news. We know there can be very positive outcomes for these children. As such, diversion and deterrence are particularly important and particularly effective. If children are provided with an appropriate assessment and an appropriate therapeutic response tailored to their particular needs, background and situation, the behaviours are more likely to cease.

I note the McGowan government has undertaken some welcome work responding to the recommendations of the royal commission and I look forward to the next report that will outline the progress that the government has made towards acting on these recommendations. That said, I will speak about some of the serious gaps that remain in the provision of services, which I mentioned before.

The royal commission identified that therapeutic services across Australia have inadequate resources and demand is outstripping capacity. There are inconsistent treatment options for children under the age of 10 years and a lack of training for staff to work effectively with children who have intellectual impairment, learning difficulties or emotional behavioural disorders, including conduct disorders, who are over-represented in our therapeutic services. There is a lack of specialist services in regional and remote communities, a lack of expertise in culturally safe services for Aboriginal and Torres Strait Islander children and a lack of clear referral pathways. The Commissioner for Children and Young People recently undertook a program to map service provision across WA and found that 50 per cent of respondents identified insufficient service availability, 24 per cent had inadequate funding and 20 per cent had issues with workforce capacity. I also note the ongoing lack of investment in research and in program evaluation to strengthen the evidence base and inform practice. It is absolutely essential that we address these gaps. When we have these sorts of gaps, it raises the obvious question of how are schools supposed to address adequately the issue of children with these behaviours if individuals and families do not have adequate access to assessment and therapeutic interventions.

The motion that we are discussing at the moment specifically refers to what is happening in our schools. However, as recommended by the royal commission, we need to look at a whole-of-government response to harmful sexual behaviours in children and young people, including justice. It is important always to go back to the stated aims of the Young Offenders Act. I remind people that it is about integrating into the community young people who have committed an offence. The principles of juvenile justice detailed in the act also include —

... punishment of a young person for an offence should be designed so as to give the offender an opportunity to develop a sense of social responsibility and otherwise to develop in beneficial and socially acceptable ways ...

I am not convinced that we have identified an overwhelmingly positive commitment to those particular principles and objectives. I remain concerned that detention is not always the last resort that I think it should be, but that aside, I want us to remember that that is what the legislation is meant to do.

I also note the current inquiry by the Standing Committee on Environment and Public Affairs into children and young people on the sex offenders register. I made a submission because I feel really strongly about this issue. As evidenced by the submissions, the inquiry topic has raised a range of issues about sex offending in young people. The vast majority of individuals and organisations submitting to the inquiry have said that they are in favour of a more flexible and proportionate response than that which is available to children and young people under the Community Protection (Offender Reporting) Act 2004. Many of the concerns that have been raised in that inquiry are relevant to the motion before us. If we marginalise children and young people for behaviour characterised under legislation as sex offending, but representing low-level offending such as touching over the clothes, behaving in an impulsive, inappropriate manner or experimentation with a peer, we will prevent those young people from joining in age-appropriate activities and that has potential long-term impacts. I particularly note the concerns that were raised by the President of the Children's Court regarding our approach to harmful sexual behaviour in young people with complex diagnoses. He said —

It is counterproductive to isolate these young people by making them reportable offenders because it is likely to restrict their ability to understand appropriate social boundaries and to limit their social development. The court obtains expert specialist reports in respect of young people prior to sentencing. Any risk factors are identified and will be addressed in the court order that is imposed. If the young person's disorder or impairment has not been previously diagnosed then youth justice can assist the young person's family to ensure that a referral to NDIS occurs. In many cases this is the more appropriate way to address community safety.

As the Australian Centre for Child Protection noted in its 2017 paper —

Children over 10-years displaying harmful sexual behaviours are subject to prosecution and potentially life long consequences if help is sought, and this can become a disincentive for their families or professionals to put them forward for treatment.

A public health approach with appropriate disability services or a child protection response when that is required is far more appropriate. We also need to consider a more discretionary response, including introducing diversionary therapeutic treatment orders, as they are available to children and young people in Victoria. No-one's interests will be served by taking a nondiscretionary approach to harmful sexual behaviour in children, especially if it serves only to marginalise, isolate and deprive those children of community membership and education opportunities. The evidence tells us that this will be bad for them. Social isolation is a risk factor for offending, so it does not make sense to make it a blanket response.

It is important never to minimise the serious nature of this issue. We know that we need to maintain a flexible approach to how we are addressing this issue. It simply will not always be appropriate to remove children from a particular school. I feel confident that, with the protocols, the needs of the victim who was perpetrated against by the other child are always taken into account as part of the overall plan.

HON COLIN TINCKNELL (South West) [2.26 pm]: I will be only brief. I am very pleased to see the government and opposition working together on this motion. Yesterday, the government invited me to a briefing on the matter. I appreciated the offer of that briefing and one of the things we talked about at that briefing was that, hopefully, something good will come from this motion today. I am very pleased to see that happening. Often, that is not what happens in this place. This is all about putting the safety of children and young people first and making sure that, in an education scenario, perpetrators and victims are looked after, but in a certain way. We are talking about a very complex situation.

In general terms, if we look at child sexual abuse right across Australia, we see that in many ways we are not winning the fight against this blight on our society. We have lots of grave things happening. As Hon Alison Xamon mentioned, much child abuse comes from family or friends of family, and it is very hidden. We are looking at trying to protect the victims of child abuse, including of a sexual nature, at school as best we can. Often, much of the focus is on the perpetrator and rehabilitation and how we can look after them and ensure that they do not reoffend. I see that as important, but many times the victims of child sex abuse feel as though they are not getting the same sort of support. Children do not recover quickly from this issue. Many victims of child abuse will carry that for their life and often it will go into the next generation and can have a multigenerational effect on that family. It is a major concern. As I said before, I am very happy to see the government and the opposition working together to achieve something out of this motion.

This is such a complicated issue. For child perpetrators from remote communities, there are often no other schooling options around that community. That then sets up a range of different rehabilitation responses. For example, that child could be sent away to a facility for help with their issues or they might stay at the school whilst the victim is protected in some way. When we talk about victims, we must also consider the potential victims. If the perpetrator continues attending the school, then other students at that school could become potential victims and be affected. It is such a difficult issue.

Many people talk about the cultural concerns. I have worked in a cultural area for many years and have seen how many Indigenous people handle this issue if it arises in their community. Most of the time they tend to favour the separation option and send the perpetrator to an elder, a mentor or someone else to hopefully fix the situation and help the perpetrator to correct their previous behaviour. Once again, their main concern is for the victim and to protect the rights of the victim.

As I have said, our job in this place is to find solutions. I applaud the government for its action on this matter, and the minister in particular. I can see that she is listening to the discussion and the debate. Her amendment to the motion was positive and moved in the right spirit. It is good to see the collaborative approach that has been taken today on this important issue. We have a long way to go in fighting this blight on our society—the sexual abuse of children or young people. The best way to get better results in this area is to work with each other and to continue to educate and rehabilitate through community and education groups to find answers to these difficult issues.

Once again, I say well done to this house on this debate. I am very impressed with what I have heard today and I hope that the Minister for Education and Training will take this forward and work with the institutions. It is difficult dealing with independent schools, Catholic schools, other private schools and also government schools when they each have a different hierarchy system. Yesterday in the briefing, we discussed how difficult it can be, but if we put the victims first and make sure that they and any potential victims are protected, then we can find answers to some of these difficult issues. Thank you.

HON COLIN de GRUSSA (Agricultural) [2.33 pm]: I rise to make a few brief comments on behalf of the Nationals WA and to indicate that we will support the amended motion. I also want to take the opportunity to thank this house for the way in which it has conducted itself in this debate today. It is a very good indication of how well we can work together to end up with a motion that is better than the original and probably clearer in its intent—that is a big tick; well done to members of this place for their effort in making that happen.

I also want to thank Hon Nick Goiran for bringing this motion and this issue to this place in the first instance. It is no doubt a very difficult and complex issue that we absolutely must discuss. As representatives of our community, we must also seek to be at the forefront of implementing the change needed to make things better. Can I also thank the minister and her team for the briefing that they provided us yesterday? It was very helpful. I also want to take the opportunity to congratulate the government and the Minister for Education and Training in particular for stepping in at the very early stage and bringing the protocols forward and developing those systems that did not exist before, which I was quite surprised to learn about. They are obviously going to need continual review and amendment. It is a very complex area but there is no doubt that those protocols, although complex, need to be flexible enough to allow schools and other agencies to deal with this issue.

I will refer briefly to volume 2 of the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse. Chapter 4.4 is titled “Children with harmful sexual behaviours” and refers to some research under chapter 4.4.2, which states —

... between 2010 and 2014, 55 per cent of the police reports about children with harmful sexual behaviours in institutions involved a child aged between 10 and 14; 30 per cent involved a child or young person aged between 15 and 17; and 16 per cent of the reports involved a child under the age of 10.

The research very clearly refers to school-aged children, and it very clear indicates that there is absolutely a need for multi-agency protocols to manage the issues effectively, and, most importantly, as the motion states, to make sure that the safety and security of children is paramount and that the victims of these terrible crimes can still receive an education. I do not want to talk too much about the motion itself, but some questions arise out of the protocols and these issues around resourcing. Others before me have talked about regional localities where there may be only one school, but other agencies may not necessarily exist in those communities either. The questions are: What extra resources may be required? How do we deal with the education needs for children from a community in which there is only one school? Do the relevant departments require extra resourcing in terms of not only financial capacity, but also people to manage this area? There is no doubt that the protocols require extra input and work from principals, teachers and others involved in these cases. It would be interesting to know what the extra workload will be and how that will be managed. I recognise that these protocols are relatively new, so there will be some degree of adaptation as they are implemented, but those are the sorts of questions I have around the workloads. We also have to be mindful that some of these victims may be going home to the perpetrator. What can be done in those situations? Although we can protect the child at school, we need to have some understanding of what we can do outside the school environment as well to keep them safe. What other educational resources are available to ensure that children maintain that separation? Does that require extra resourcing into the School of Isolated and Distance Education, for example, and/or extra resourcing within the local school, because children who are educated through that mechanism will still need supervisors and technology to access those functions?

I will end my contribution there, but I reiterate that I am very pleased with the way in which we have dealt with this motion today. I am very pleased with the end result. The motion is a good one and we wholeheartedly support it. I look forward to the minister’s response.

HON NICK GOIRAN (South Metropolitan) [2.40 pm] — in reply: I thank members for the collaborative approach that has been taken to this matter this afternoon. It is a matter close to my heart, and one that I have been pursuing for the last 10 months. I am grateful for the outcome that is being achieved here today. The members who spoke did so on behalf of their respective parties, and I know that others who were away on urgent parliamentary business indicated their support but were not able to be here today to speak to the motion. I particularly thank the Leader of the House for the work done in amending the motion, and also Hon Alison Xamon, Hon Colin Tincknell and Hon Colin de Grussa for their words of encouragement and support.

As we look to conclude this debate, I note that, in response, the government mentioned the use of RAMPs, meaning risk assessment and management plans, and Hon Colin Tincknell referred to independent schools and the like. It is useful to remind members that these risk assessment and management plans largely come out of public schools—not exclusively so, but, largely, they do. During the estimates hearings held in recent times I was able to uncover 90 public school RAMPs, and in 86 of those 90 circumstances the decision was for the person to remain in the same school. On only four occasions were they moved—on one occasion to a different public school, and on three occasions to an alternative education setting. That gives members a flavour of, if you like, the current bias towards people remaining in the same school—95.5 per cent of the time, during that period, they remained in the same school. I am pleased that, as a result of the motion that this house looks to be passing momentarily, we are calling for all policies, including the RAMPs and the protocols, to ensure that no further harm is caused to victims by ongoing contact with alleged perpetrators. That is precisely what I have been asking for for 10 months, and if we are now at a point at which we unanimously agree on the need for policies to reflect that, I am grateful for the outcome. I thank members for their encouragement and support for the motion.

Extract from *Hansard*

[COUNCIL — Wednesday, 25 September 2019]

p7302b-7315a

Hon Nick Goiran; Hon Sue Ellery; Hon Alison Xamon; Hon Aaron Stonehouse; Hon Colin Holt; Hon Colin
Tincknell; Hon Colin De Grussa

Question put and passed.