

SCHOOLS — SEXUAL ABUSE — MANDATORY REPORTING

Grievance

MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary) [9.46 am]: My grievance is to the Minister for Child Protection, and I begin by acknowledging the minister's strong leadership in her portfolio areas. I am concerned that there seem to be some in the teaching profession and others with responsibility for children who are unsure of their reporting obligations for sexual assault offences. I was relieved to hear that two former Trinity College teachers were found guilty of failing to report sexual offences that occurred on a school rugby trip to Japan in 2017. My heart goes out to the victim of those offences and I offer him and his family my deepest sympathies.

As a former student of Trinity College—I left there 40 years ago, in 1980—I am appalled that some aspects of the school's culture seem to have changed little in 40 years. The cultural pattern that seems to have endured for more than 40 years can be characterised as turning a blind eye to unacceptable and demeaning behaviour. As the 2016 Australian of the Year, David Morrison, said, the standards you walk past are the standards you accept. Sexual assault should never be accepted. Although the 2017 case at Trinity did eventually come before the public eye and receive public scrutiny, I fear that the governance arrangements at private schools could mean that similar cases do not benefit from transparency or receive exposure. The minister might like to comment on this risk.

How can we ensure that teachers and others in positions of responsibility for children do not become desensitised to any form of abusive behaviour amongst students and do not come to accept abusive behaviour as a normal part of growing up? They need training to recognise abusive behaviour and the skills and knowledge to deal with it. Although sexual assault must be one of the worst forms of abusive behaviour, I am concerned about the need for all schools, especially private schools, to be held accountable for other forms of abusive behaviour, including racial slurs, bullying and bullying that leads to sexual assault. It is very sad to learn that the victim of the Trinity Japan trip sexual assault subsequently suffered from online bullying for months.

For the record, I should say that my nine years at Trinity were happy and that the school's focus on sport actually suited me. I was very fond of being part of the school's sporting tradition. Academically, I was an average student, so my greatest achievements came from modest success in athletics, cricket and hockey. I must also say that I mostly enjoyed the positive way that the school encouraged discussion of ideas and gave students a sense of the right to question all manner of moral and ethical issues. That was a mostly positive experience. But I was always uneasy with the cliquishness that enabled groups of bullies to exist without reproach. We would like to think that standards have changed in the last 40 years, but evidence suggests otherwise. I am concerned that there is a connection with the school's excessive focus on sporting success and a culture of "What happens on the sports field stays on the sports field." It is a culture that is readily expanded to "What happens on a school trip stays on a school trip", which is the mindset that caused the events of Trinity's 2017 Japan trip.

Many people hold positions of power over children. What action is the government taking to ensure that there is no abuse of this power or the turning of a blind eye to such offences?

MS S.F. MCGURK (Fremantle — Minister for Child Protection) [9.50 am]: I thank the member very much for raising this important issue. Of course, as he has highlighted, sexual abuse is simply never acceptable. As the Minister for Child Protection, I have seen firsthand the devastating impact and tragic consequences this can have on the children involved and their families, as well as the broader community. As the member alluded to in his remarks, turning a blind eye is not a standard to accept. I would like to make clear our government's commitment to work to ensure that we have the right legislation, policies and implementation of practices in place to protect children from child sexual abuse, because the community has the right to expect that our children are safe, especially within institutions that we all trust to protect them. We want our children to be safe and we want them to grow up confident and strong. I want to assure the member and all members of this house that the McGowan government is committed to creating a safer state for children and young people, and we will not ignore instances of child sexual abuse.

I share the member's concerns about ensuring that when abuse is uncovered, we have the right measures in place to respond appropriately and quickly. Mandatory reporting, and the specific case the member refers to, is a good example of one of the levers we have to do that. The successful prosecution of the two former teachers from Trinity College has sent a very clear message about the expectations on mandatory reporters. We have already seen a healthy public commentary surrounding the prosecution, which I think has helped to raise awareness amongst the public as well as mandatory reporters. Those two teachers were found to have been aware of the serious nature of the incident, but failed to report the abuse as is required of them under law under the provisions of the Children and Community Services Act 2004. It is a legal requirement in this state for doctors, nurses, midwives, teachers, police officers and boarding house supervisors to report all reasonable beliefs of child sexual abuse to the Department of Communities.

The member might also be interested to know that we are not only enforcing and continuing to monitor the successful operation of current legislation, but also looking to expand it. In its 409 recommendations, the Royal Commission

into Institutional Responses to Child Sexual Abuse outlined changes to ensure that history does not repeat itself. The recommendations of the royal commission were developed over five years, with the input of nearly 17 000 people coming forward and telling their stories. There were 8 000 private sessions, 57 individual case studies and scores of independently commissioned research reports. One of the changes the royal commission recommended was the expansion of mandatory reporting of child sexual abuse to include people in additional professions—namely, people in religious ministry, out-of-home care workers, youth justice workers, early childhood workers, registered psychologists and school counsellors. The Children and Community Services Amendment Bill 2019 seeks to expand the mandatory reporter professions. It passed this house unanimously and is currently before the Legislative Council, which I hope will pass this important legislation before it rises. The McGowan government is committed to implementing all the categories of mandatory reporters recommended by the royal commission in a phased approach to ensure the effectiveness of the implementation of the recommendations. I think one of the points the member raised well in his grievance is that having the legislation is one thing, but making sure that people who are required to mandatorily report understand their obligations and the institutions they operate within understand their obligations is also an important part of its successful implementation.

Further to these changes to mandatory reporting, the government is also progressing significant reforms as recommended by the royal commission to ensure that the institutions trusted with supporting our children have independent oversight. This means ensuring that they are complying with the legislation, policies and practices, such as mandatory reporting, that government sets. The work to progress independent oversight of child-safe principles, out-of-home care services and youth justice services will help to ensure that all institutions working with children are aware of the risks, have protective measures in place to mitigate those risks and are accountable to an independent authority.

In addition to this reform, I recently tabled the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020 as a green bill in this place for public consultation. The draft bill seeks to establish a reportable conduct scheme to provide independent oversight of how organisations handle allegations and convictions of child abuse. The bill will compel heads of organisations to notify the Ombudsman of misconduct within their organisations so that the Ombudsman can then review investigation findings or undertake investigations on their own motion. An estimated 4 000 organisations in this state will be covered by the reportable conduct scheme, including education services such as schools, as well as a wide range of others.

Some important research findings, recommendations and lessons have emerged from our landmark royal commission in this country. Frankly, they are relevant for all of us, as this sort of work requires not only vigilance but also buy-in from the whole community. The member can rest assured that we are doing all we can to respond to historical abuse in the distant and not-so-distant past, to prevent further abuse from happening and to ensure a swift response to abuse should it happen again.