



**EASTERN SHORE COMMUNITY ASSOCIATION**  
***“Stronger Together”***

Tuesday, 9 November 2010

Shane Donnelly  
Secretary  
Select Committee on Child Protection  
Parliament House  
**HOBART TAS 7000**

Email: [shane.donnelly@parliament.tas.gov.au](mailto:shane.donnelly@parliament.tas.gov.au)

Dear Mr Donnelly

On behalf of the Eastern Shore Community Association (ESCA) I am forwarding this submission to the Select Committee on Child Protection with particular reference to Part E in the Terms of Reference as follows:

***“(e)the appropriateness, and need for, any further inquiry including but not limited to a Commission of Inquiry as established under the Commissions of Inquiry Act 1995; and”***

As some of your Committee Members may be aware, the ESCA is a volunteer community group that has been operating on the Eastern Shore of Hobart for a number of years.

We have been active in our recent calls for a full independent Commission of Inquiry into Child Protection in Tasmania and I have attached copies of two previous media

releases and a letter to the State Government (addressed to Attorney General, Lara Giddings, MP) by way of background information for Committee Members.

The ESCA is well aware of previous reports that have been conducted into the issue of child protection in Tasmania (in particular the Ombudsman's Review) however, it can reasonably be argued that appears clear that the system is still failing in spite of the existence of such reports and the investment of additional Government resources.

The very obvious and important next question must surely be why?

The ESCA does not believe that any Government, Departmental or Parliamentary inquiry will be equipped with the necessary tools required to fully stripe bare the answers to all the questions concerning child abuse and the failures of Child Protection Services in Tasmania.

It is important to note that in the 2004/05 Annual Report of the Tasmania Ombudsman it was stated in Appendix E – Child Abuse Review:

***“There appears to be no definitive information about the overall incidence of past abuse of children in State care. As a consequence, we have no firm idea as to how many more children in State care may have been victims of abuse over the years.”***

The ESCA has launched a community petition calling for a full Commission of Inquiry into Child Protection in Tasmania and will be seeking to table this report in the Tasmanian Parliament at the earliest opportunity.

The ESCA believes it will be impossible to develop and drive knowledge-based approaches for protecting and nurturing vulnerable children without the ability to garner evidence in an independent manner.

### **[The Forde Inquiry](#)**

Committee members would be aware that in 1998, the Queensland Government established a Commission of Inquiry into Abuse of Children (the Forde Inquiry) which found significant evidence of abuse and neglect of children in Queensland institutions in the past, and identified ongoing concerns about current practices in relation to child protection and youth detention.

The Inquiry encompassed the period from 1911 to 1999, and examined more than 150 orphanages and detention centres. Over 300 people provided information to the Commission.

The fact is that in a State the size of Tasmania, people are often reluctant to come forward with information because identification can often be made more easily in small communities. Fear of retribution is also another motivating factor preventing people from blowing the whistle on child abuse.

The ESCA believes that Tasmania would best be served by an independent Commission of Inquiry, preferably constituted of suitably qualified persons from outside Tasmania. The ESCA believes that this would provide the most conducive environment to obtain an optimum understanding of the true picture of past and present child abuse, the adequacy of child protection services in Tasmania and the ability to bring perpetrators to justice.

### After Abuse Care Services

The ESCA also believes that it should be within the scope of an independent Commission of Inquiry to look whether or not there exists adequate support mechanisms for people who have suffered abuse and neglect. There is a widely held belief that after abuse care services are not adequate, particularly when you consider the significant length of time that has passed since some people were first abused.

ESCA notes that following Queensland's Forde Inquiry, one of the recommendations was to establish the Forde Foundation for the following purposes:

*"... the relief of poverty, for advancement of education, training or development, personal and social support, relief of sickness, suffering, distress, general enhancement of social and economic well-being or for any other purpose beneficial to persons who have been wards of the State or under guardianship of the State or have been a resident, as a child, in a Queensland institution."* **(Source Forde Foundation website: [www.fordefoundation.org.au](http://www.fordefoundation.org.au))**

The ESCA believes that such a measure should be considered for Tasmania.

### Need for Criminal Referrals

The ESCA would also like to take this opportunity to raise the issue of increased transparency and public awareness of criminal referrals. As most MPs would be aware the Tasmanian State Government established a review process and compensation scheme to assess claims of child abuse by former wards of the state.

The ESCA understands that since the Ombudsman Review, at least 1,800 claims that have resulted in compensation payments of more than \$37 million, and the Tasmanian Government announced that the scheme would be open-ended, and it is now able to take claims on an ongoing basis. The State Government is to be congratulated on this position.

However, in relation to criminal follow up on child abuse matters, the 2004/05 Annual Report of the Tasmania Ombudsman stated that:

***“At the commencement of the Review, the Ombudsman’s office agreed on a Protocol with Tasmania Police for the referral of potentially criminal matters. An Assistant Commissioner and a Detective Sergeant were nominated as Liaison Officers. A total of 33 cases have been referred to Police with the agreement of the person making the claim. The position taken was that unless the abuse victim agreed and was prepared to give evidence in court, there was little likelihood of a successful prosecution. A number of other claimants also reported potentially criminal matters to the Ombudsman Review Team but declined to lay charges, usually because they were concerned about appearing in court, or because they accepted that there was little likelihood that the matter would proceed to court.”***

The ESCA is concerned about what appears to be very low numbers of cases referred for criminal investigation. More recently, this matter has again been highlighted by the lack of individuals charged (in spite of more than 200 known connections) to a 12 year old girl sold for sex.

The ESCA feels strongly that an independent Commission of Inquiry also needs to examine and review the processes surrounding the ability to proceed with criminal charges in relation to alleged child abuse.

There is a strong community feeling that perpetrators have simply been getting away with abuse and that the system (both the Child Protection System and the Justice System) is not working adequately enough to bring child abusers to justice.

## **Conclusion**

The ESCA believes that unless an independent and comprehensive Commission of Inquiry is conducted into child protection in Tasmania that the current trends are very likely to continue.

For example, it has been suggested by recent international research that bringing children into systems with very high levels of foster placement turnover, has serious long term psychological effects.

Coupled with insufficient numbers of foster carers to cope with system demands, it may reasonably be argued that current approaches to child abuse and neglect may be the source of more harm rather than good; the effects of which are likely to be intergenerational.

There can be no doubt that children in state care are only the tip of the iceberg and we know that in the wider community, outside the child protection system, there are even greater numbers of vulnerable children.

It is for this reason that the ESCA urges the Committee to consider recommending an independent Commission of Inquiry into Child Abuse in Tasmania.

The ESCA thanks the Committee and the Parliament for the opportunity to put forward this submission and sincerely hope that the future will see Tasmania become a State that is able to build the skills necessary to improve the lives of children who have experienced, or who are at risk of experiencing abuse or neglect.

Yours sincerely

Ms Cate Clark  
**President – ESCA**

**Enc:** ESCA Media Release dated 3 October 2010

ESCA correspondence to Minister Giddings dated 7 October 2010

ESCA Media Release dated 14 October 2010