

My name is Brian Cherrie, aged 58 and a survivor of child abuse in care and I know a lot about the issues of children in care and some of the issues that lead to children being placed in care.

Unless the whole culture of people in organisations and government departments changes, you can have enquiries until the cows come home and nothing will change.

I have included in my submission various articles about Government departments, Victoria Police, Corrections Department, no one seems to be made accountable for their actions or inactions.

The Government must make these Government Departments and private Institutions be answerable to these allegations levelled at them and anything that adversely effects the protection of our children.

If legislation is too weak for this to happen, then the Government needs to change the laws so that these people can be charged, It is not good enough for Overland to say that they failed to do the checks because the Department was under budget ed for it, the decision to not do these checks have had a devastating effect on the children in the system and why hasn't he been made to be accountable for it? Why has he still got his job? Why has he not been charged by the Director of Public Prosecutors? for gross breach of his duties? Until the Government decides to get serious with these issues, then the systematic failure of the system will thrive.

Justice Fogarty has already conducted two enquiries and the level of neglect and abuse still thrives. Unless you actually change the system that you already have, then nothing will change.

A Royal Commission is the only way to get to the bottem of what is going wrong in the system.

All people who currently work or play with children should have by now had their working with children check. All staff that work at the Department Of Human Services and all their agents including senior management should be checked . public document Brian Cherrie



Brian Cherrie
11/4/2011

*please advise me of any further
Public Sitings*

ARTICLE ①



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State has a history of forgotten child reports

Carol Nader
The Age

[« back to previous page](#)

A FORMER Family Court judge who has conducted multiple inquiries into Victoria's child protection system says the state has a history of conducting reviews that are later forgotten, as the new government fulfils an election promise to hold another inquiry.

Premier Ted Baillieu yesterday announced a three-member panel would conduct a wide-ranging inquiry into the crisis-driven child protection system, declaring it had "fallen apart" under Labor.

John Fogarty, the former Family Court judge who conducted inquiries into the state's child protection system in 1988 and two more in the 1990s, said the government's three-member panel, headed by former Supreme Court judge Philip Cummins, was highly respected and experienced and would make good recommendations.

"The problem will be that usually nothing happens after that," he said. "That's been the history of child protection in Victoria for the past 30 years. You have these inquiries, everyone gets upset, there are headlines in newspapers ... and then six months later when you ask what's happened, the answer is bugger all, usually."

One of the significant changes that followed one of his inquiries was the introduction of child protection staff working after hours for emergency cases.

Victoria has had two damning reports by the Ombudsman into the state of child protection in the past two years, and another comprehensive review into the role of the Children's Court last year by the Victorian Law Reform Commission.

In addition to the Fogarty reviews, others include the Norgard Report in 1976, the Carney Report in the 1980s and a report by the Auditor-General in 1996.

Asked yesterday if there was a need for another inquiry, Mr Baillieu said the recent reports had dealt with segments of the system but the inquiry would take a more comprehensive look.

Child Safety Commissioner Bernie Geary said it could be a landmark inquiry. "Children who are in the child protection system are the most vulnerable in the state and they deserve the same opportunities as the rest of Victorian children, and we're hopeful this inquiry will pave the way for those sorts of opportunities to be come to fruition," he said.

Anglicare Victoria chief executive Paul McDonald, the former head of child protection in the Department of Human Services, also welcomed the inquiry. "I think it's certainly comprehensive in scope, and I think it asks the right questions," he said.

The inquiry's key terms of reference are recommendations to reduce the incidence of abuse and its negative impact. The \$1.5 million inquiry will also consider early intervention, the role of statutory child protection services and the community sector, possible changes to the court process, workforce, future demand and oversight and transparency of the system.

Other panel members are child protection academic Dorothy Scott and Swinburne University chancellor Bill Scales. The panel is due to report to the government in November.

Mr Cummins said the inquiry would not be adversarial.

A FORMER Family Court judge who has conducted multiple inquiries into Victoria's child protection system says the state has a history of conducting reviews that are later forgotten, as the new government fulfils an election promise to hold another inquiry. Premier Ted Baillieu yesterday announced a three-member panel would conduct a wide-ranging inquiry into the crisis-driven child protection system, declaring it had "fallen apart" under Labor.

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ARTICLE ②

Herald Sun

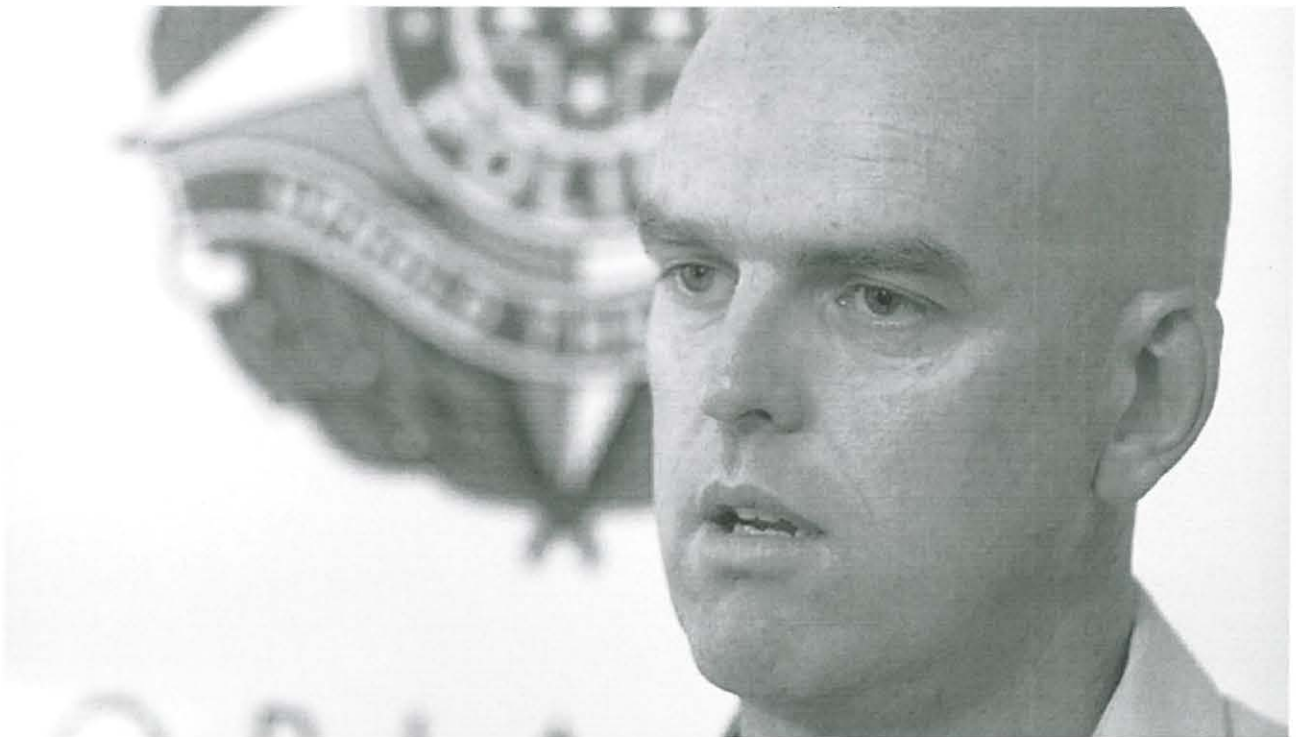
Ombudsman slams sex offenders system after 700 children exposed

- Matthew Schulz
- From: Herald Sun
- February 09, 2011 10:43AM
- 86 comments

Brian Cherrie and 61 others recommend this. [Undo](#)

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Chief Commissioner Simon Overland. Picture: Ellen Smith
Source: Herald Sun



(<http://www.facebook.com/share.php?u=http://www.heraldsun.com.au/news/victoria/victorian-ombudsman-slams-sex-offenders-system-after-700-children-exposed/story-e6frf7kx-1226002796981?from=facebook>)

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Read More (<http://www.facebook.com/share.php?u=http://www.heraldsun.com.au/news/victoria/victorian-ombudsman-slams-sex-offenders-system-after-700-children-exposed/story-e6frf7kx-1226002796981?from=facebook>)

- **Read it now: Ombudsman's report in full** (<http://resources.news.com.au/files/2011/02/09/1226002/913132-hs-file-ombudsman-sex-offender-report.pdf>)

UPDATE 5.28pm: THE Government has promised a shakeup of the sex offenders register after a damning report into failures that exposed 700 children to predators.

Ombudsman George Brouwer lodged the damning report in State Parliament today. The report found 379 sex offenders admitting being in contact with children.

He described the problems as a "systemic failure", with the safety of children compromised by "bureaucratic procedures".

Victoria Police was slammed for leaving vulnerable children exposed to an unacceptable risk at the hands of sex offenders.

The report also blasted Corrections Victoria for putting the rights of registered sex offenders ahead of the rights of children.

Mr Brouwer warned the number of children exposed to sex offenders could be even higher.

The report confirmed at least one child was sexually abused after police failed to alert child protection authorities.

Corrections Victoria officials asked sex offenders whether they were happy for information about them to be released to government departments.

"The practice of seeking the permission of the registered sex offender before the release of information on cases where children may have been at risk, demonstrates that Corrections Victoria has opted to place the rights of registered sex offenders over the rights of vulnerable children that may be at risk of harm," the report said.

"I consider it unacceptable that the safety and protection of children was caught up in bureaucratic procedures that prolonged the process of providing critical information."

Police command said it felt "deeply regret" at the breakdown revealed in the Victorian Ombudsman's report.

Government promises action

Deputy Premier Peter Ryan today promised “decisive” action in response to the report, including a central reporting system across all departments.

He said the Government would act on all 10 recommendations from the Ombudsman including a review of the laws; better collaboration, protocols and sharing of information between agencies; and fresh training of key officers.

“The Government accepts unreservedly those recommendations, and we will give effect to them,” Mr Ryan said today.

He said a taskforce of ministers would meet with the departments to deal with the problems.

The Attorney-General Robert Clark, Corrections Minister Andrew McIntosh and Community Services Minister Mary Wooldridge will also be part of the group to oversee changes.

Mr Ryan laid the blame for the system’s failure on the Brumby Government, which had repeatedly rejected funds to fix the system in four successive years.

Police command also moved to shift blame for the failures to the former Labor Government for knocking back requests for extra money to manage the sex offenders register.

Chief Commissioner Simon Overland told the Ombudsman’s inquiry requests for extra money to manage the program had been knocked back four years in a row.

“Victoria Police has submitted business cases for additional funding and resources to the 2006, 2007, 2008 and 2009 expenditure review committee ... were not supported by government,” Mr Overland submitted to the inquiry.

“Additional resources to administer the register would have significantly enhanced our capability to mitigate risk ... presented by registered sex offenders to our community.”

In a statement issued today, police said they took immediate steps to address the problems once they were known.

“The protection of vulnerable children is of paramount importance to Victoria Police and as we made clear in August last year, we deeply regret the failures that have occurred,” the police statement said.

But Victoria’s Child Safety Commission Bernie Geary said the rights of children were being “trampled” by the lack of will and resources in government.

Mr Geary said the lack of capacity by the agencies named in the report meant they must now work more closely together.

“It’s really alarming that children’s rights are being trampled,” he said.

“In these cases children are the ones who haven’t got case workers, or psychologists or lawyers. These children are completely at risk in respect of the insidious nature of some sex offenders that operate with stealth and guile.”

Multiple failures

Mr Brouwer the problem, which occurred over six years, was discovered only when police in charge of the reporting noticed the lapse in January last year.

The report came to light after a police whistleblower came forward in May.

The Ombudsman found children were exposed to an unacceptable risk by the failures, which followed:

- inadequate commitment to the sex offenders register by police, partly due to a lack of resources;
- a lack of a understanding between the Human Services and police of ‘risk’ and how it should be applied to

the sex offenders register;

- a lack of understanding by police members of the instances in which information may be disclosed under the Sex Offenders Registration Act;
- a failure of the key agencies to share responsibility for ensuring the sex offenders register contributed to the protection of children.

As a result, Victoria Police failed to tell the Human Services Department about hundreds of registered sex offenders, which allowed them to remain in contact with children.

The Ombudsman said there were more than 2400 registered sex offenders in Victoria, with more behind bars, interstate or overseas.

He found that from the creation of the Sex Offenders Register in October 2004 until March 2010, 899 registered sex offenders reported to Victoria Police.

But it found that for 376 of these offenders, police failed to pass this information on to the Human Services Department.

An inquiry into child protection is underway in Victoria under new Community Services Minister Mary Wooldridge.

With Stephen McMahon

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National

Police Association says Simon Overland must answer to damning Ombudsman report

- Stephen McMahon, Anne Wright
- From: Herald Sun
- February 10, 2011 9:48AM

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Ombudsman George Brouwer warns there are signs of "systematic breakdown" in the management of registered sex offenders.

Source: Herald Sun

Report says police left hundreds of children at risk

- Police Association calls for commissioner to answer questions
- **Outrage: Blind eye turned to child sex cases**

VICTORIANS deserve to have their questions about a damning Ombudsman report answered in person by Victoria's top cop, the Police Association says.

Yesterday, the report from Ombudsman George Brouwer said Victoria Police left hundreds of vulnerable children exposed to an unacceptable risk at the hands of sex offenders, the **Herald Sun** reported.

Chief Commissioner Simon Overland has refused to front the press in person to answer direct questions about the criticisms and instead sent out a statement blaming the former government for

<http://www.news.com.au/national/victoria-police-fail-to-protect-children/story-e6frfkvr...> 7/04/2011

lack of funding.

This despite the Ombudsman's report blaming Victoria Police for exposing at least one child to abuse at the hands of a known sex offender.

This morning, Police Association secretary Greg Davies said the public deserved to have valid questions raised by the report answered in person.

"It would have been good to see the police commissioner telling us how the problems have been rectified," Mr Davies said.

Minister for Police Peter Ryan says he is not in a position to discuss sacking people in light of the report's damning accusations.

Mr Ryan said this morning he would use the recommendations to make sure the chain of command between departments worked effectively.

"I'm not in a position to discuss sacking anyone," he told ABC Radio.

Mr Ryan said the rights of children were paramount and he would be telling the department what needed to be done.

Speaking in response to a woman who had children with her partner unaware he was a convicted sex offender, Mr Ryan said authorities should have known the man was having regular contact with children.

Mr Ryan has backed Mr Overland's claims of lack of funding and promised the necessary resources.

He admitted the reporting system needed fixing but refused to point the finger of blame at Mr Overland or Corrections Victoria Commissioner Bob Hastings.

"The buck stops with us," he said. "It is a matter for me as Police Minister to deal with this issue."

Victoria Police claims it sought more money from the Labor government in 2006, 2007, 2008 and 2009 but was turned down.

But a spokeswoman for Opposition leader Daniel Andrews denied money was the problem.

"The Bracks/Brumby government provided a record budget and record resources to Victoria Police and how it was allocated was a matter for the Chief Commissioner," she said.

Australian Childhood Foundation chief executive Joe Tucci said Victoria Police needed to answer questions about its past failures and what it was doing to correct them.

"There are major flaws across the system," he said.

As a result of the Ombudsman's report, five children who may have been in danger have been removed from their homes.

Mr Ryan was heavily critical of Corrections Victoria's failure to swiftly hand over details about sex offenders to child protection services.

Corrections Victoria has now changed procedures so information is handed over within 24 hours.

Yesterday's report said Victoria Police had failed in its duty of care and left more than 700 children exposed, Mr Brouwer said.

Mr Brouwer warned there were signs of "systematic breakdown" in the management of registered sex offenders. The number of children exposed to sex offenders could be even higher.

The Baillieu Government has promised \$5 million over four years to update the GPS technology used to track sex offenders, gangsters and arsonists on extended supervision orders.

It vowed yesterday to move "as rapidly as possible" on GPS devices.

Trials are continuing but the new technology is expected to help police monitor the worst sex offenders living in the community.

The Ombudsman's report found evidence of a failure by VicPol to alert child protection staff that allowed a paedophile to continue abusing a young child.

VicPol admitted it "deeply regrets" the failures exposed in the Ombudsman's report but blamed the former Labor government for repeatedly refusing requests for extra money.

Corrections Victoria was heavily criticised for putting the rights of registered sex offenders ahead of those of vulnerable children. There are more than 2400 registered sex offenders in Victoria.

Police Minister Peter Ryan admitted to having grave concerns that children could still be at risk under the current system.

"There is not nearly enough direction in the way the system works right now," he said.

"It is unacceptable a report of this nature should be tabled. The safety and wellbeing of children is an absolute priority."

Mr Ryan criticised government agencies for not working together.

Between the establishment of the Sex Offenders Register in 2004 and March 2010, 899 sex offenders told Victoria Police they had had contact with a child in their normal activities.

But in 376 of the cases, police failed to pass this information on to the Department of Human Services.

Child abuse support group Childwise wants legislation to force convicted sex offenders to admit their criminal history to future partners.

Childwise spokeswoman Bernadette McMenamin said sex offenders who were released from prison often preyed on vulnerable women with children and reoffended.

The problems uncovered from 2004-10 were found only when police in charge of the reporting noticed the lapse in January last year.

For more on the **Ombudsman report** read the *Herald Sun*.

Herald Sun

Too soft on porn-loving child killer

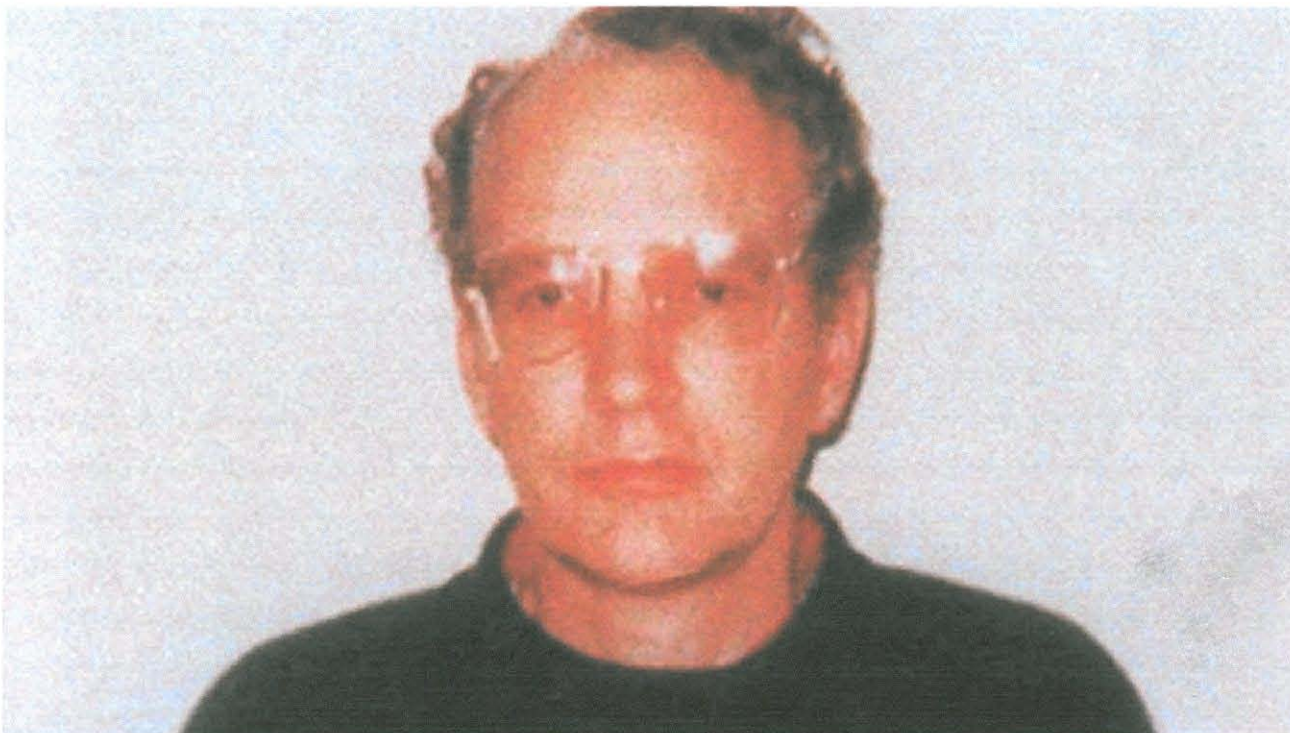
- Wayne Flower
- From: Herald Sun
- December 07, 2010 12:00AM

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Child killer Robert Lowe needs to be moved to a tougher prison, says Sheree Beasley's grandfather.

Source: Supplied

THE grandfather of slain schoolgirl Sheree Beasley is pleading for killer Robert Arthur Selby Lowe to be put back behind bars.

Neil Greenhill made an impassioned plea to the Baillieu Government to move Lowe to a tougher prison and stripped of all privileges.

"Lowe is going to die in jail. To give him access to computers, he should have all those rights taken away," Mr Greenhill said.

"He should be locked in a concrete cell and given a couple hours of freedom a day. He's a child killer."

The plea follows a report in yesterday's *Herald Sun* that revealed Lowe was the mastermind behind a sick paedophile ring operating out of Ararat Prison.

Insiders have told the *Herald Sun* Lowe regularly accessed child porn on prison computers with smuggled USB and memory cards, and was grooming young, mentally ill inmates through a prison program.

"As soon as someone calls me and tells me he's dead I'd sleep a lot more peacefully," Mr Greenhill said.

"In simplest terms he's got to be stopped. How can they allow someone like this to educate or brainwash other people. He's on the inside being a menace to society on the outside."

Sheree Beasley was riding her bike from local shops to her home in Rosebud on June 29, 1991, when Lowe lured her to a brutal death.

Mr Greenhill said he was angry Lowe not only had access to computers, but was able to freely manipulate and use other prisoners to satisfy his sick urges.

"This man is in essence pure evil. How they keep this bloke in Ararat jail and not in high security is beyond me," he said.

"These guys take away the rights and the life of innocent victims and get half a holiday."

Mr Greenhill urged the State Government to crack down harder on paedophiles.

"When Sheree went missing in 1991, the homicide squad told me they had 4 1/2 A4 pages of known paedophiles listed in the Rosebud area alone," he said.

"That's frightening - and that's back in 1991."

A spokesman for Corrections Minister Andrew McIntosh said the minister had ordered a full briefing on the allegations against Lowe and would respond when adequately informed.

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Alarm at disabled assaults

CLAIMS that six disabled Victorians have suffered horrifying assaults in the past 10 weeks could see sweeping new powers handed to Victoria's Public Advocate.

The *Herald Sun* can reveal that 11 formal notifications detailing allegations of physical abuse, severe injury, sexual exploitation and sexual assault against the most vulnerable residents are being examined by the Public Advocate's office — including six cases already this year.

Last week the Department of Human Services was found to have covered up the assault of a severely disabled Croydon man by his DHS carer for more than two years in the face of a Public Advocate's fight to have the matter investigated.

With fears of other assaults being swept under the carpet, the State Gov-

Grant McArthur

state political reporter

ernment is considering handing Victoria's Public Advocate, Colleen Pearce, a raft of new powers to investigate allegations of assault or neglect against the disabled and elderly.

The changes would effectively make Ms Pearce a disability services regulator with the power to pursue fines through the courts or refer matters to police.

With shocking assault claims made daily to her office, Ms Pearce said the need for investigative powers was paramount.

A Victorian Law Reform Commission consultation paper was released yesterday outlining proposed changes to beef up protection for 80,000 Victorians with mental impairment.

mcarthurg@heraldsun.com.au

Herald Sun

We are all responsible

AS a community we must ask ourselves a deeply disturbing question: If we cannot look after the most vulnerable people in our society, who can we look after?

The evidence is that we have failed those who cannot defend themselves. That is why Victorians must demand more of their politicians. They carry the ultimate responsibility of looking after the disabled and the mentally handicapped, many of them helpless and preyed-upon children.

There were years of neglect by the former government, which promised to stop the exploitation of those unable to fend for themselves, but failed. Now it is up to the Baillieu Government to act decisively and with the utmost urgency.

The evidence against the Department of Human Services, which is now the direct responsibility of Minister for Community Services Mary Wooldridge, is overwhelming. But other departments and agencies are involved and the Premier and Cabinet are also accountable.

The *Herald Sun* has uncovered shocking and heart-rending cases of the often brutal and vicious abuse of children, and adults, in need of constant care. Last year, we called for the then-minister for community services to be sacked. The Brumby government refused to, and failed to fix a system in crisis.

One of the most disturbing cases, because it was covered up by a disabled man's female carers, has been revealed in a report to Parliament by the Ombudsman.

The man was dragged across a carpet, inflicting serious burns and scarring to his back, injuries his carers claimed were self-inflicted. In 86 other cases being investigated by the public advocate, 30 of them involve abuse and neglect by carers.

The crisis continues. Victorians must demand of their elected representatives that they halt this shameful treatment of those the state is legally and honour-bound to protect.

'The Herald Sun has uncovered shocking and heart-rending cases of the often brutal and vicious abuse of children and adults in need of constant care'

Cover-up of abuse stuns disability sector

By **MICHELLE GRIFFIN**
SOCIAL AFFAIRS EDITOR

A SENIOR manager at Victoria's Department of Human Services fabricated evidence in an attempt to cover up the assault of an intellectually disabled man by his department-employed carers, Ombudsman George Brouwer has revealed.

His damning report, tabled in Parliament yesterday, sent shock waves through the public disability system.

Victoria Police confirm they have just begun their own investigation of the incident, from March 2008, when a 39-year-old intellectually disabled man is alleged to have been dragged down a hallway of his residential unit by carers Patricia Perera and Sylvia Illesca, sustaining carpet burns that were not treated for more than 24 hours.

Three DHS staff have now been stood down from their jobs, and one other removed from duties with the disabled.

Mr Brouwer said the department's response to the assault showed "a disregard for the resident's human rights and the duty of care that the department has a responsibility to exercise".

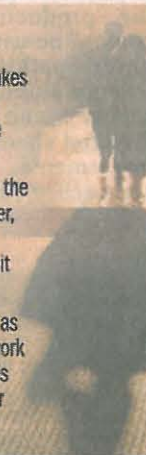
"This is particularly concerning as the resident cannot speak for himself," Mr Brouwer said. The resident has cerebral palsy, epilepsy and can communicate only through gestures.

Public Advocate Colleen Pearce condemned the DHS for its "shocking and shameful" response to the incident. "I have never come across a case before where there has been this level of cover-up and the fabrication of documentation around this matter," she said.

The Ombudsman's report found that district acting man-

THE INCIDENT MARCH 6, 2008

- An intellectually disabled man, 39, in a Clayton residential unit refuses to get ready to go to his day centre. Permanent staff member Patricia Perera and casual Sylvia Illesca allegedly drag him along the floor on his back halfway down the hallway.
- The man sustains second-degree carpet burns and permanent scarring. While staff at the day centre notice his "wound was weeping and sticking to his shirt", they do not call a doctor.
- By the time another staffer takes the man to a doctor the next day, his shirt has stuck to the wound. It becomes infected.
- The house supervisor reports the incident to DHS four days later, telling Ms Illesca she can no longer work at the Clayton unit and meets with Ms Perera.
- Ms Illesca continues to work as a casual, and Ms Perera to work at Clayton with the man she is alleged to have assaulted, for at least the next 2½ years.



ager Monica White provided his investigators with a "falsified" preliminary incident report.

The report given to the Ombudsman's investigators claims the resident regularly "threw himself onto the floor on his back and was pushing him-

self backwards using his feet".

It was dated March 10 and 12 — more than two weeks before the officer who supposedly wrote the report began work in the area. The officer denies writing the report.

In the Ombudsman's report,

Ms White confirms that she signed the preliminary report but denies writing it.

Staff at the resident's day centre told the investigators his scoliosis (curvature of the spine) made it impossible for him to lie on his back, and that he did not throw himself on the floor.

Both the DHS officer and Ms Illesca deny that they had the phone conversation detailed in a transcript signed by Ms White.

Community Services Minister Mary Wooldridge was "appalled" and said she was "seeking assurances" that the resident was now safe from "further harm".

She endorsed the Ombudsman's calls to overhaul the department's reporting system, and said she wanted "quality of care" managers responsible for all incident reports to be appointed across disability services by May.

NBN may raise child porn risk: police

By **RICHARD WILLINGHAM**

NEW services provided via the national broadband network could make it harder for the Australian Federal Police to track people downloading and sharing child pornography.

The bipartisan Parliamentarians Against Child Abuse and Neglect group was briefed yesterday by the AFP on possible services that could be part of the NBN. The officers told the group that the increase of service providers and different modes

available would make it harder for police to monitor suspects.

"Due to there being a large number of service providers currently and emerging in the telecommunications industry, this has the potential to increase the difficulty for law enforcement to obtain telecommunications data," an AFP spokeswoman said.

The NBN will allow companies to "bundle" multiple services including TV, internet and telephones on to one line, which worries the AFP. Senator Bill

Heffernan, who is a member of the bipartisan group, said he was deeply concerned that the work of the federal police and international agencies to track offenders could be undone.

"One of the great challenges is going to be to come to terms with the anonymity that comes with the NBN. It will be a challenge for both the child protection units and the network of the global police agencies," he said.

"There will be no need to have the details of who you rang, and when you rang and

what you downloaded, because there will be just a fee and you'll do whatever you like for that fee ... That will be fraught with danger in coming to terms with what is a flourishing child porn business."

A spokesman for Broadband Minister Stephen Conroy said, "NBN Co and the department are working with the AFP and other national security and law enforcement agencies to ensure any potential criminal exploitation is minimised in the design and operation of the NBN."

Sex monster faces 20 years' supervision

Keep a watch on evil witch

Mark Buttler

chief police reporter

NOTORIOUS paedophile witch Robin Fletcher could be kept under watch for up to 20 years beyond his jail sentence.

The Department of Justice is preparing for a legal fight to have Fletcher placed on a supervision order until 2026.

Fletcher has already spent five years on top of his sentence but corrections authorities' latest court bid is an indication of the high risk he is seen as posing to children.

He is allowed to enter the general community only with the tightest supervision. The *Herald Sun* believes other sex offenders could be the subject of attempts to place them on long-term supervision orders.

They include:

A SERIAL rapist with more than 10 victims over a 20-year period.

A CRIMINAL with a two-decade history of violent sex attacks on children.

A CHILD sex offender with a record of escapes.

A MAN with a history of using a knife to confront children in school toilet blocks.

The department's application against Fletcher is expected to go before the Supreme Court in May.

Fletcher served a decade-long prison term for prostituting, raping and abusing 15-year-old girls.

He is believed to have behaved well during his time in prison but is still considered



Robin Fletcher

at risk of committing crimes if he is released into the wider community.

The Supreme Court was told last year that Fletcher, 54, had condemned lawmakers for banning his child sex practices and spoke of moving to a country with a younger age of consent where his "rituals" would be legal.

He wrote a series of letters to Ghana outlining his wish that young children be initiated into sexual practices.

Fletcher has been allowed to leave to visit the Church of Antioch, based in suburban Alphington.

The Department of Justice said yesterday its policy was not to comment on specific individuals.

buttlerm@heraldsun.com.au

further to my submission is this article where VCAT have overturned several appeals for working with children. This sets a dangerous course for the safety of our children and these powers should be removed from the tribuneral. Not only that, you should be looking into who is making these disgusting decisions and why are they making these decisions. yours sincerely Brian Cherrie

NewsComAu

Sex offender wins tribunal appeal

From: NewsComAu

May 01, 2011

A FORMER pizza shop manager who, as a married 27-year-old father of three, pleaded guilty to two counts of sexual penetration of a 17-year-old trainee and his children's babysitter has been cleared to work with children.

Alternatively, you can copy and paste this link into your browser:

<http://www.news.com.au/national/sex-offender-wins-tribunal-appeal/story-fn8g495p-1226047515436>



Sex offender wins tribunal appeal

- Peter Rolfe
- From: Sunday Herald Sun
- May 01, 2011 12:00AM

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A FORMER pizza shop manager who, as a married 27-year-old father of three, pleaded guilty to two counts of sexual penetration of a 17-year-old trainee and his children's babysitter has been cleared to work with children.

The State Government last year rejected an application for a Working With Children pass for the man, known only as "AGA", to work as a volunteer at sports clubs and in hospitality.

But the Victorian Civil and Administrative Tribunal has overturned the Department of Justice's decision, saying the man had "made a terrible mistake".

It is the seventh time in nine months VCAT has rejected government decisions to issue negative Working With Children notices. More than 234 people had applications rejected by the Government between July 1 last year and March 31 this year with 17 taking their case to VCAT.

Other examples of VCAT granting permits against government wishes include:

A CRICKETER, 24, who bit a 17-year-old girl on the breast on an end-of-season trip.

A FOOTBALL goal umpire who masturbated in front of his 11-year-old daughter while he watched TV.

A BUILDER and teacher of apprentices who, as a 19-year-old, pleaded guilty to having a sexual relationship with a girl under 16.

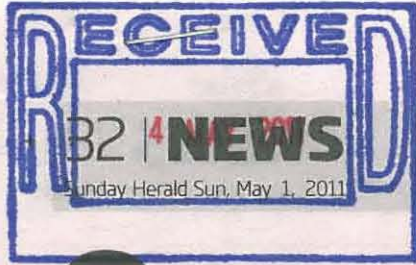
A 42-YEAR-OLD man found guilty of groping a shop attendant, 16, while on a family holiday.

A TAFE teacher, 30, who had sex with a 14-year-old male ward of the state against his wishes.

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Sex offender wins appeal

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PETER ROLFE
State politics reporter

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BRIAN CHERRIE

24 Herald Sun, Monday, May 2, 2011

NEWS

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sex crimes register

VICTORIA'S sex offender register will be reviewed by the Victorian Law Reform Commission after a scathing Ombudsman's report.

Ombudsman George Brouwer reported in February that hundreds of children had been exposed to sex offenders.

The report blasted Corrections Victoria for putting registered sex offenders ahead of children.

Attorney-General Robert Clark wants the commission to review the registration of sex offenders and its use by police and child protection agencies.

Retired Victorian Supreme Court judge John Coldrey will head the review, due by November 4.



Molester wins case

A CONVICTED child sex offender who molested a boy while he slept has been given the green light to work with kids because it is in the "public interest" and a lack of proof he "is a predator".

The man successfully appealed for the right to work with kids despite admitting sexually assaulting a 16-year-old boy while his mother slept next door.

The *Herald Sun* cannot name the man, who is now free to follow plans to work with education providers.

The State Government rejected the man's application, but because the sex offender has shown "shame, remorse and empathy for his victim", and had "come to terms with his sexual identity", VCAT granted his application.

The State Government is considering an appeal.

Paul Tatnell

The offence happened in 2005 when the 16-year-old boy was staying at the man's bed-and-breakfast.

After the boy went to sleep, the man crept into his room and indecently assaulted him.

If the offender committed the offence today, he would be put on the Sex Offenders Register for eight years.

He pleaded guilty in 2006 but was spared jail, receiving a \$1500 fine.

The man — who works in the hospitality industry — applied to the State Government for a certificate to work with children.

The Government rejected his application, leading him to appeal to VCAT.

In fighting the application, state government lawyers argued the man had



Judge Sandra Davis

no references from employers or friends.

But in her judgment, VCAT vice-president Judge Sandra Davis said the man, now in his 50s, "was depressed at the time, withdrawn and isolated, and suffering after the break-up of his first homosexual relationship".

'It is in the public interest to give the applicant the assessment notice'

— JUDGE SANDRA DAVIS

Judge Davis also ruled that although the age gap between his teenage victim "is significant, it is also relevant that the victim was not a very young child, which would exacerbate the offence".

She also pointed to psychologist reports that found the offence happened because of "his low self-esteem and his inner conflict about his own sexuality", and was a low-risk of reoffending.

The psychologist report also found it was significant the offender "had no

interest in pornography or involvement with minors", and that while his assault on the boy was "predatory", he was not a predator.

In approving his application, Judge Davis said she was "satisfied that it is in the public interest to give the applicant the assessment notice he seeks".

"I am satisfied... that giving an assessment notice would not pose an unjustifiable risk to the safety of children," she said.

A Justice Department spokeswoman said: "The Department of Justice opposes the granting of a Working with Children Check in this application."

"The Department of Justice is assessing VCAT's decision and is seeking legal advice on any grounds for further review."

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