



SPARK AND CANNON

**TRANSCRIPT
OF PROCEEDINGS**

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PROTECTING VICTORIA'S VULNERABLE CHILDREN INQUIRY

THE HON P.D. CUMMINS, Chair

BAIRNSDALE

9.15 AM, FRIDAY, 22 JULY 2011

MR CUMMINS: Good morning, ladies and gentlemen. Thank you very much for being here despite all the rain cutting off some of the roads. I most warmly welcome you to this Public Sitting of the Inquiry. I acknowledge the traditional custodians of the land upon which we meet, the Gunai Kurnai
5 people, and pay my respects to their elders past and present and I look forward to their elders in the future as well. We all have profound and continuing respect for the traditional custodians of this land.

The Inquiry, ladies and gentlemen, was established by the state government on
10 31 January of this year and we are due to report in November of this year. There are three members of the Panel. I am the Chair, I am Philip Cummins. I was a Supreme Court judge for over 20 years and retired and was then appointed to chair this Inquiry. Prof Dorothy Scott is a member of the Panel, a distinguished academic, and who has worked in and known the sector for many
15 years and Mr Bill Scales, a person distinguished in administration, the chancellor of Swinburne University and chair of the Melbourne Ports Corporation and supported by a very able Secretariat.

The Inquiry, ladies and gentlemen, is entitled Protecting Victoria's Vulnerable
20 Children Inquiry and the title says what our function is. We hope that out of the Inquiry will come a better system for protecting Victoria's vulnerable children. Our brief is to look at the system as a whole. We don't investigate individual cases or individual organisations but we look at the systemic issues in this vital area. As you know, there are a number of methods of investigating
25 individual cases, the Ombudsman is one, the Child Safety Commissioner is another. Sadly at times the Coroner's Court is another. They investigate individual cases. Our brief is not to investigate individual cases but to look at the system as a whole.

30 Thus we are not an entity which looks backwards to allocate liability or blame but rather looks at the present to inform the future. So we are very much a solutions-oriented inquiry and very much a future-looking inquiry. As I say, our purpose is - we hope we will fulfil - to provide a better system for
35 protecting Victoria's vulnerable children in the future. The Inquiry is, of course, informed by what has happened in the past and what is happening in the present and although we don't investigate individual cases, we are informed by them and by what is happening and has happened in the past and the present.

40 We have had the benefit of receiving a very substantial number of submissions in written form which we publish on our web site; well over 200. We have also had, we regard, a very important benefit of having a number of Public
Sittings across Victoria. We were determined at the start not to be a city-centred inquiry or a metropolitan-centred inquiry. We have sat in the city.
45 You couldn't get much closer to the centre of the city, we've sat in the

Melbourne Town Hall on two occasions, on the corner of Swanston and Collins Street, and in the various metropolitan parts of Melbourne. But very importantly to us we have sat in the regions and that's why we are here today.

5 We have sat in substantial cities: Geelong, Ballarat, Bendigo, also in Warrnambool, Mildura and Horsham. We are still to go to Wodonga, Echuca, Swan Hill. We have been to Morwell and I'm very glad to say we're here today. We are conscious of not only the importance of the regions but, importantly, we're conscious of the diversity and difference in the regions.
10 Even between Morwell and Bairnsdale we're conscious of the differences; between Bairnsdale and Lakes Entrance and beyond we're conscious again of regional differences. It's very important, I think, that we are attuned to that, that one size doesn't fit all, and that beyond the evident regional differences in terms especially of distance from here to the eastern border, for example, we're
15 also conscious not only of geography and distance but also of demographic differences, differences in local issues and cultural differences.

So we are seeking, ladies and gentlemen, to take the richness and the complexity of what I've just said on board, to learn from it and we hope to
20 make recommendations which are attuned to regional needs and are conscious of regional needs. When the Inquiry was established, there was a point in the media - and I think a perfectly reasonable point to make - where a number of persons said, "We've had a number of inquiries. Why do we need another one? It will just gain dust on the shelf" - a pre-electronic image, ladies and
25 gentlemen. But we hope that this Inquiry is different, and that doesn't for a moment diminish the importance of other previous inquiries, but we hope this Inquiry is different because, as I have said, we are looking at the whole system, taking a systemic solutions-oriented approach and looking to the future.

30 Although every individual case is inherently important and often most traumatic and sadly sometimes very tragic, because we are not investigating individual cases we hope that does give us the capacity to look more fully at the whole system and to provide solutions for the future. So that is our purpose, ladies and gentlemen, and that is also why we are here.

35 We have had the benefit of a number of most helpful written submissions from this region, from the Gippsland Centre Against Sexual Assault; Uniting Care Gippsland; Family Resource Centre Bass Coast Regional Health and a number of individual personal submissions as well. We have been most assisted by
40 those and we publish written submissions on our web site and we consider them and we digest them and we learn from them. Karen and I came down yesterday. We were delighted yesterday to spend time with May Pearce of VACCA and Matt Russell of GEGAC who I thought were most impressive and they were most helpful to us in giving us an understanding of regional issues
45 from their very important and significant perspectives and also we were with

Paul McDonald and Gary Proudlock and Louise Edwards. That was most valuable to us, ladies and gentlemen.

5 Karen and I also went to the Bairnsdale regional office and were very assisted by the local regional staff. I think Sean was the spokesperson for them but they were all speaking to us together. We were at a table, a dozen of us, until late afternoon and that was very helpful too. We had been with Mariela and others in Morwell previously. We have had two visits to Morwell because on one occasion we had a public meeting and on another occasion we met with the various staff, both community service organisations and DHS staff. Here, as I say, yesterday we had the benefit of those two substantial meetings with May and Matt and others and with the DHS staff.

15 So all of that helps us, ladies and gentlemen, and the thing that I have been struck with as a person not from within the sector because my background was - I was a Queen's Counsel for over 10 years, I was a Supreme Court judge for over 20 years, I was the head of the Criminal Division of the Supreme Court and the senior trial judge and a few other things besides, including head of security where we were kept busy on a few occasions. Coming into this sector I have been so impressed by both the staff within the sector and the persons working within the sector from the various organisations and in particular of the Aboriginal organisations. I have been deeply impressed by the commitment of a vast number of people within this sector and I have been impressed by the concern for what they are doing.

25 Yet we know things need to be improved. So there is, in a sense, a paradox. I know that mistakes are made. Mistakes are made. They are made in the legal sector. They are made by judges. I'm sure they were made by me. But with this very valuable, committed set of persons, both within the sector and community service organisations around and indigenous organisations, the results, we are sure, can be improved. I think two things come out of it: I think there should be credit given where credit is due and it is due in many areas across the board and I think it's important that that is acknowledged and that is expressed. As the former Chief Justice of the High Court once said, you don't get a media report about a bridge not falling down. So you don't here the things that work in systems and we want to say credit where credit is due.

35 But plainly there can be improvements and our purpose is to look at systemic improvements, not individual cases, vital though they are, but systemic improvements so that we can secure a better future for Victoria's vulnerable children. So I hope that is what we will do, ladies and gentlemen. It's up to government to decide what of our recommendations are implemented. That's what governments do. We are encouraged by the fact that we were appointed so early in the new government's term. We were encouraged by the fact that we were given the three members of the Panel and the Secretariat and a time

frame to do it within and we hope that, at the end of it, there will be positive systemic results for the future. So without being naive, ladies and gentlemen - I hope we're not naive - we hope that this will be a productive Inquiry.

5 Now, ladies and gentlemen, let me say something about if any of you would like to make a verbal presentation, you are very welcome to, and you're encouraged to. As I say, we have had the benefit of a number of written submissions from the region and I have stated that some have come from organisations, there are also a number of personal ones as well. When we have
10 a Public Sitting like this we have had on occasion speakers from 9 am to 6 pm, it depends on where we are and the region et cetera and sometimes there are one or two speakers, sometimes there may be none. But the facility is important that people know they are welcome and encouraged to make a verbal submission.

15 There are two things about verbal submissions I would like to say to you. The first is this: this is not a court of law, it is a Public Sitting of this Inquiry. As you may know in a court of law, if you were giving evidence in a court of law you cannot be liable for defamation. The rules of defamation and against
20 defamation do not apply in a court of law. On the contrary, at a Public Sitting like this, the rules of defamation do apply. So it's not like a court of law and that's important to know. I'm sure it doesn't apply to anyone here but it's an important point that I make at all Public Sittings in fairness to people who might wish to come forward.

25 The other matter is this: under the *Children Youth and Families Act* there is a very strict provision that one cannot identify any person who has been through the Children's Court process, past or present. That includes not only the child and the child's family but even witnesses in the proceeding. So that is quite a
30 strict provision. It is designed, as you would understand, to be protective of children. But that does apply equally here and, as you know, we don't investigate individual cases anyway.

35 So they are, if you like, the ground rules, ladies and gentlemen. So in a moment I will go back to my chair. I hope you are able to hear me because I haven't turned this around. I'm sorry about that. We also record it all and we publish it on our web site as well, ladies and gentlemen. So if you are making a verbal submission we do transcribe it all and we publish it on our web site, so you might bear that in mind as well.

40 I do warmly encourage anyone who would like to come forward, if you do I will be very pleased to hear from you. If you don't, I would be very happy for us to have a cup of coffee and just have a talk personally with the benefit of being here. So you are very welcome to speak to us on a personal basis around
45 the room over a cup of tea or coffee if you didn't want to come forward. I will

simply say, if anyone would like to come forward, you are very welcome to do so, otherwise we can just have a cup of coffee and a personal chat around the room.

5 So does anyone want to take the plunge? Don't feel you have to, but you are very welcome if you would like to. If you prefer not to, I am very happy to speak to you personally over a cup of tea. I thought people might feel like that, that they might prefer just to be here and perhaps have a personal talk. As I
10 say, we have had the benefit of a number of written submissions, both personal and from organisations, so we have received those and published those on our web site. Will we settle for a cup of a tea? I think we will.

I will close the Public Sitting and I invite you all to stay and have a talk and a cup of tea. Thank you.

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INQUIRY CONCLUDED AT 9.34 AM ACCORDINGLY