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PROTECTING VICTORIA'S VULNERABLE CHILDREN INQUIRY

THE HON P.D. CUMMINS, Chair

SWAN HILL

10.10 AM, THURSDAY, 28 JULY 2011

MR CUMMINS: Good morning, ladies and gentlemen. We're delighted to be here in this beautiful city and region on a beautiful day. I would like to acknowledge with profound respect the traditional custodians of the land upon which we meet, the Wadi Wadi and the Wembawemba people. We pay our
5 respects to their elders, past and present, and we hope long into the future.

Protecting Victoria's Vulnerable Children Inquiry was set up by the Premier on 31 January this year and is due to report in November this year. It's constituted by a Panel of three, of which I'm the chair. Prof Dorothy Scott, a leader in the
10 academic field, and Mr Bill Scales, a leader in government systems, are both on the Panel and we're very fortunate to have them both and we're supported by a very able Secretariat.

The nature of the Inquiry, ladies and gentlemen, is a systemic one. It's directed
15 to the system as a whole of protecting Victoria's vulnerable children and it looks at seeking to produce a better system for the future. It's designed very much to look to solutions and to look to the future. So it is a systemic Inquiry into the child protection system as a whole and also looking at the future. It's specifically directed not to investigate individual cases and not to investigate
20 individual organisations.

Of course we take into account what has happened in the past and what is happening in the present and are informed by factual matters, including individual cases and individual organisations but we do not as such investigate
25 individual cases or individual organisations. As you know, there are entities for investigation of individual cases or individual organisations such as the Child Safety Commissioner or the ombudsman or the like. That is not our function. What is our function is to look at the system as a whole and to seek to develop a better system in future. So it's an overarching systemic review,
30 solutions focused and future oriented.

When the Inquiry was set up, there were some questions in the media, perfectly reasonable questions, "Why another inquiry?" There have been many inquiries, as you know, over the years. I was the trial judge in the Daniel
35 Valerio case back in 1992 which led to an inquiry by Fogarty J in the early 1990s and there have been many inquiries since. I think the answer to that reasonable question is: this is, we think, a different inquiry. That of course does not in any way demean the value of previous inquiries but rather it characterises what this Inquiry is doing. It's not stimulated, as has been the
40 case, for example, in England and other places and in Victoria and around Australia, by an individual case but by a review of the whole system. So because it is that prospective systemic review, we think it is a different Inquiry and we hope it will produce worthwhile results.

45 The process, ladies and gentlemen, is that when we submit our report to the

minister in November, she in turn will table it in parliament so it becomes a public document and a publicly accessible document for everyone to see. The process we've undertaken, ladies and gentlemen, is we published on 28 February the guidelines for making submissions and we have received
5 submissions up to the formal end date which was 29 April and we've received submissions since then as well from persons who needed to make submissions later on. We've received over 200 submissions. Some of them are very substantial, some of them are quite short and focused, but they have all been very valuable. We have the process of publishing those on our web site which
10 we have been doing progressively. So on our web site are the progressive written submissions.

We've also got a process whereby we have gone out into the field, had the benefit of visiting numerous offices of DHS and other entities such as
15 multipurpose centres and those submissions have been very valuable to us as well. Finally and most importantly, we've had a series of Public Sitings across Victoria, of which this is the last one. We have had Public Sitings in the CBD. We've sat twice in the Melbourne Town Hall and in metropolitan Melbourne, in Dandenong, Broadmeadows, Werribee, but we resolved at the very start of
20 the Inquiry that it was not going to be a Melbourne focused inquiry but rather a fully Victorian inquiry. Our very first Sitting in fact was in Geelong and we then sat in Ballarat and Bendigo, a number of Sitings before we actually sat at all in Melbourne. We've sat across regional Victoria, Bairnsdale, Morwell, in the east; as I say, Geelong, Bendigo, Ballarat and also Shepparton in the central
25 areas; Warrnambool and Horsham in the west and we have been sitting this week along the river, Wodonga, Echuca and Swan Hill today. We had previously sat in Mildura. So we have sought to be comprehensive in the coverage of Victoria because, as I've said, we did want this to be a Victorian inquiry, not a Melbourne-centric inquiry.

30 We are very conscious, ladies and gentlemen, that there are significant different needs within the regions and significant different issues in the regions. We're very conscious that once size does not fit all. So that's what we've been doing in relation to our Public Sitings, ladies and gentlemen.

35 Let me just say a little bit more about this Public Sitting. It is a Public Sitting which means that it can be publicly reported in the media and is open to all persons to be present. We record what is said in the Public Sitings and we then publish it on our web site, so it's available for anyone to read and to
40 follow, not just persons who are present at the Sitting itself.

I was a judge of the Supreme Court for over 20 years and when I would sit in court, evidence that was given in court was privileged; that is to say, persons who were giving evidence could not be proceeded against for defamation.
45 Today's Sitting is not a court of law, it's a Public Sitting, and therefore those

5 protections in a court of law do not here apply. So anything that is said in a Public Sitting, including today, is subject to the ordinary principles of defamation. As I'm sure you appreciate, ladies and gentlemen - and I don't think any of this will apply to anyone here - but it's important that people, in fairness to them, understand the essential ground rules. So it's not a court of law and the ordinary principles of law, including defamation, apply to this Public Sitting which, as I say, will be published on our web site in any event.

10 The second ground rule, ladies and gentlemen, is that the *Children Youth and Families Act* specifically provides that no person who has been the subject of Children's Court process can be identified. That comprehends not only the child or the parents or the family but also any witness. So the Act provides that any person who has been the subject of a Children's Court process in the past or presently is now cannot be identified.

15 On some occasions in Public Sittings, person plainly have had a case in mind when they've spoken but what they've done with our assistance is they have really extracted the principle that they want to state from the case or the issue that they want to state from the case without naming the persons involved in
20 the case and without identifying the case. So we proceed by in effect extracting the issue or the principle from the matter rather than speaking about the detail of the matter or identifying the matter and that's the way we've managed to proceed quite sensibly, I think, which doesn't preclude people making statements to the Inquiry but doesn't breach the Act either.

25 So they're the ground rules, ladies and gentlemen. We are very pleased to be here. I'll invite anyone who would like to come forward to come forward and make a statement to the Inquiry. Michael, welcome.

30 MR ADAMSON: Thank you.

MR CUMMINS: Could you give us your surname and your workplace, Michael.

35 MR ADAMSON: Yes, it's Michael Adamson and I'm from Mallee Family Care.

MR CUMMINS: Yes. We'd be very pleased to hear what you'd like to say in whatever sequence you'd like to have it, Michael.

40 MR ADAMSON: Thank you. I'm just wanting to present maybe some observations from our agency and the work that we do with supporting the child protection system.

45 MR CUMMINS: Excellent.

MR ADAMSON: And then maybe a few suggestions or thoughts that I have around that.

5 MR CUMMINS: Yes.

MR ADAMSON: I suppose one of the things that we find really difficult in working with children who have been taken into care for numerous reasons is then trying to support those children through a very traumatic period and
10 observe that obviously there are many situations where a child has to be taken into child protection. I've been doing some thinking recently on the effects of that on the child themselves and how we then transition a child from being taken away from their family, from a situation that may be somewhat abusive in our eyes, but for the child, and particularly a young child, that environment
15 might be all that they know. So watching sexualised videos or seeing people taking drugs or sexual activity around them, for that child, what I would observe it would be for that child, what they call their "normal". We then I suppose are called to take the child out of that situation and create for them a new normal. When we take the child out or when the child is taken out of that
20 situation and taken away from their mother and father, I wonder if there's some better way that we can then reorient them.

I suppose one of the things that I'm concerned about is how much does the child know about what's happening for them when that actually occurs;
25 questions like - they're taken away from their mother and/or father or the people that they're living with - do they know when they're going to see them again or if they're going to see them again. What sort of information are they given? How can we create an environment where they feel there's a sense of security that they're being offered?

30 Then I suppose the next stage is how do we then start to work with that child to deal with some of the significant issues that we see that the child has experienced, because what I observe is we take them out of that situation and we then spend some time and say, "Where can we put this child?" so a phone
35 call is made to an agency like ours to say, "Hey, we've got a child, they've just come in to Child Protection. We need a place for them." So in a sense we find a house and certainly some very caring foster parents or out-of-home care parents who will do what they can to support that child, but not knowing many of the issues. So we put them into the care of that family and we may say to
40 that family, "Look, it's short term because we don't know what's going to happen, we don't know if the child is going to be reunited with the family." That short term often ends up being - instead of two weeks, it could be four weeks or six weeks. If that particular family can't care long term for the child, the child is then taken from that family and put with another family.

45

Maybe the child hasn't had a lot of explaining as to what's actually going to happen to them and a process that actually is factual. Sometimes we'll say, "You'll probably see your parents in a couple of weeks," or something like that; they may not see them for a month, so we have some concern around that.

5

One of the thoughts that I have had and spoken with some of my colleagues about is whether there's some way that we can create a residential-type program that children taken straight out of a home through the Child Protection system are able to go into a very intensive support program that includes - it may be a home where it's explained why they're there and what they're there for, where they can have professional people who have some skills in debriefing the children, in helping them to feel comfortable, where they can talk through some of those issues, where they can maybe deal with some of the significant behaviour that might be happening as a result of what they've experienced. That might last for three or four or six weeks or two months or three months where they're actually intensively cared for and then either a process of reunification is established or they could then be introduced maybe to some foster care or out-of-home are parents who are then able to meet them and slowly work through. They may then go to the family home for a weekend, so that the child understands where they're going. The child might say, "Look, I don't know that I like this place," or, "this family," or "the kids that are there," so the child has some say in that and is able to get to meet the family, get to meet the father and mother before they're just placed and told, "Here's your family, here's your bedroom, this is where you're going to live for the next" - however long - "until we decide to move you again," so whether there's some better way of doing that.

I certainly get concerned at the number of times that some of the children that we've had in care get moved from one family to another and often with very little explanation to the children of why that's happening. We talk constantly about the best interests of the child and yet sometimes in a formal sense we talk to the children, we bring them in to meetings, but very often they're taken from one place to another with very little explanation of why they're being moved on, what's happening, what the next stage is. So I think in a great sense that adds to the trauma and by the time the child has been in numerous care places for six months, 12 months, a couple of years, they pick up their own destructive behaviours as a result of that system that were probably not divorced from the kind of destructive behaviours they were already experiencing from their home situation. In all of those cases we find there's still a connection to the parents. That's in the out-of-home care system. My other observation is I would love to see a lot more work being done to try and keep kids in the family unit that they're in but I don't have as much observation on that situation and how difficult that is. That's it, thank you.

45 MR CUMMINS: Thank you very much, Michael. Your submission is clearly

child centred which is the vital thing that we're all concerned about. I'm quite sure all the entities, DHS and all the other entities concerned put the child at the centre but it's a question of how it's worked through. Your proposal for that intervening residential program between, on the one hand being removed from the home and on the other hand, being placed either shorter or longer is designed to provide information to the children as well as support because, as I understand what you've said, plainly children do need the support and you've mentioned in that residential program that they would be given intensive support, including professional support. So that is the support side of things.

10

But it seems to me that critical to your submission is the matter of information, information to children; information of what you've called and the why and the what, "Why is it happening? What is happening? And what's likely to happen in the future?" As we know, of course, often there are very many uncertainties and very many imponderables in the situation while things are trying to be worked out as to what is the next best step, what is available, what can be done, what can't be done. So there are inherently a number of uncertainties in the whole equation, as I'm sure you're well astute to.

20 But your point really is that children should be informed as much as they can because the great difficulty for children is uncertainty, both where and, from what you have said in particular, how long.

MR ADAMSON: Yes.

25

MR CUMMINS: Knowledge does support children because ignorance is very frightening.

30 MR ADAMSON: That's right, it is frightening. I think that's true. I think that we leave a lot of that role to carers who are not professionally equipped to do that and also who don't necessarily have the whole story.

MR CUMMINS: That's right.

35 MR ADAMSON: So they may not actually have found out that the type of the behaviours that - so I think of a child who is eight or nine years of age who has spent most of his life sitting watching pornographic movies and then he's put into another - and that to him is normal, it's on. That's just a scenario but it could be drugs or alcohol or whatever.

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MR CUMMINS: Of family violence.

45 MR ADAMSON: Or family violence exactly. And he or she is put into another home and then exhibits behaviour that would be appropriate to the type of input that he has had in his life and for foster carers that can be abhorrent

and the response that they have may be totally inadequate to properly care for that child and then the placement breaks down because of and so the child is then put into another place where the same thing happens and then we end up saying, "Well, this child is a no hoper or he can't be helped." We wonder why he or she has become so difficult to handle and we've never really dealt with the underlying or core issues behind his or her behaviours.

MR CUMMINS: Michael, that submission about that intervening residential program is a very, very helpful one. Thank you very much for that.

MR ADAMSON: I would be very happy to talk about piloting something if there was ever a possibility.

MR CUMMINS: Excellent. Thank you. We will take that on board and I am most obliged to you for coming forward.

MR ADAMSON: Thank you very much.

MR CUMMINS: Good wishes, Michael. Next, Roslyn Lowe. Come forward and take a seat. Were you here at the very start, Roslyn?

MS LOWE: I wasn't and I wasn't actually going to make a submission, I've just decided coming in the door.

MR CUMMINS: You're very welcome, Roslyn. There are a couple of ground rules in these Public Sittings and in fairness to everyone who speaks I always tell them this - it's not directed towards you, I've said this now 30 times around Victoria, including today - we don't investigate individual cases, we look at the system as a whole. Some people, like the Ombudsman or the Child Safety Commissioner, they look at individual cases, we're looking at the system. Second, the *Children Youth and Families Act* prohibits identification of any cases that go before the Children's Court, including any witnesses and parties. That's very important.

This isn't a Court of Law, it's a Public Sitting, and whatever is said is put up on our web site, it's transcribed and ordinary principles of law apply to this, including defamation and any of those other rules that apply to any public statement. So they are the ground rules. I always in fairness to everyone tell them that before we have our public submission. So I would be very pleased to hear whatever you would like to put before us.

MS LOWE: Okay. Basically my views come from, firstly, my life experience and then work experience and then my experience over the last three years of being actually under Child Protection watch. What my issues are and what I believe is a fault in the child protection system is the issue of how child

protection, the actual complaints made to Child Protection in a lot of cases - this has come from my experience as a worker before I was put in as a child protection complaint as my mothering - is that it's often used as a weapon. It's one of the first weapons used by people. It's a threat and it's a weapon. I don't believe that there's enough - the issue of confidentiality I agree with, but I don't believe Child Protection are able to adequately assess the types of complaints that are made, who are making the complaints - and this also comes from the interaction of local police where people are quite well known by local police and the police as well, through my work time, it's just a common element. That the issue of making a child protection complaint is, like, the first port of call when someone's upset or angry. It's a very derogatory way of doing it.

So a lot of the complaints that are made are basically just that. It's a tit for tat complaint ideal. I don't want to go further on that but I really believe - - -

MR CUMMINS: You can make the point without going to any actual detail of names or things.

MS LOWE: Yes.

MR CUMMINS: You are very welcome to make the point so you just press ahead on that basis.

MS LOWE: That is my basic point. I don't know how it should be done but I really think there should be more and closer communication between local police and Child Protection and that interaction, from my perspective of being a worker, the frustration - it's just like this last gentleman said - of seeing children who, yes, they are not being brought up in what we believe is the most appropriate circumstances but the disruption that comes to their lives when they are - and they are just whisked away, taken out of their family situation which for whatever reason might not be perceived to be the best, place them - the issue of placement is just horrific. There just aren't placements, you know.

That impact on a child's life is huge, being taken out of that family situation and being then - and it puts a lot of pressure on the child. Now I'm speaking in terms of what has happened to my own child. The guilt that that child feels as well and that they take on board because it's quite intense for a child. When they're taken out they are questioned or they do know - children know a lot of things that are going on around them however we might not - we think they're just children and they don't know. The guilt that they take on - but also the responsibility because whatever and whoever their parents are, that's who they know and the bond between a parent and child is everything. It's their life, it's their world view.

Once that bond has been questioned and put in a negative sense - as soon as

Child Protection - as soon as there is a removal, for example, that is negativity, that is a negative response. I would like to see if somehow we can make it more positive, a positive response where the parents - and this is from personal experience as well. The high emotion that goes with (a) the issue of child protection complaints used as a weapon and a threat that I know from a work experience and then I know as a personal experience, it's just the ultimate threat, you know. The interaction there - how can I put it - where there's, like, a lack of communication between the police, between Child Protection services - and in a lot of instances before Child Protection calls in there a lot of other - my last job was a SAAP worker, a housing worker, so you're actually seeing people who are just waiting for Child Protection to be called. You know, "Well, someone around the corner has rung Child Protection," as a worker working with families in housing, you know, that that's their fear, they're just waiting for - it's like a common thing, "We'll ring Child Protection. We'll ring Child Protection," just waiting for it to happen.

So the child is already in a negative circumstance for whatever reason, drug abuse, alcohol, domestic violence, whatever. They're already in a negative position and I don't believe that there is enough - which is also like what this gentleman was saying - support of the child. It's supposed to be in the child's best interest but in actual fact it becomes more about the adults and it becomes a huge issue with what to do, how to deal with the adult and the child is left with the guilt and just not knowing when they'll see their parents again. They are taken out of completely - their world view; the world view that they were born into, as this last gentleman said, that's all they know. Whether we think it's good or bad or whatever, their world view is completely demolished and they have to start again.

It is very difficult in different families, if you can find a family. If you can't find relatives to put them with or someone who they already know, it's completely overwhelming for them and a lot of kids never recover from that and the negativity, I think, that's put on the issues that brings their removal, that negativity becomes - it bases their whole outlook and the guilt that they feel. So basically what I believe is there needs to be more looking - and I understand that Child Protection services are very stressed and work their overload - but looking at things in the sense of, is this - the complaints that have been made, the reports that have been made to Child Protection, looking at them in the sense of are - how can I say without - there are some people that are serial child protection reporters, you know, just continually and that's an issue that I'm very close to.

So in a family context you can see it's used as a weapon and the whole family will be involved in - and not only in one part of that family - it just becomes like a way of life to call Child Protection as a threat or as a negative thing. Just from my personal experience as a worker, I've seen it happen and happen and

happen and happen.

MR CUMMINS: I think there are two significant matters you have raised, Roslyn. The first is the necessity - and I'm sure people are conscious of this -
5 of justification; that is to say (a) need and (b) proof or evidence. So that is the first thing and you have raised that point very clearly and, as I say, I'm sure people are conscious of it. The second point is if intervention does occur, to seek to make it - difficult though this is - to have some positive benefits and not just be a wholly negative experience as you have said and as Michael has said
10 before you. That second point is a very important point as well. So I have both those points and thanks very much.

MS LOWE: I'm sorry I wasn't very articulate. I wasn't going to make a
15 submission.

MR CUMMINS: No, Roslyn, you've raised them very clearly.

MS LOWE: Thank you.

20 MR CUMMINS: Thanks a lot for that. Ladies and gentlemen, are there any further persons who would like to come forward? You are most welcome if you would like to. All right. May I thank you very much for coming. We've had a number of meetings where on some occasions we have had a town hall full of people and we have literally sat from 9 am until 5.30 pm with constant
25 speakers. On one or two occasions we have actually had no actual speakers at all and we have, of course, had lots of situations in the middle where there are perhaps 10 speakers or two speakers.

But the common point is this, ladies and gentlemen: number 1, it's very
30 important that we have the benefit of people making submissions, either in writing - as I said, we've got well over 200 in writing - or verbally. The second point is this: it's also very important that people have the opportunity to come forward and speak, even if they don't. It's very important to come to regions in particular and be available for people to come forward so that people have
35 locus or the capacity to come forward if they would like to. That is, I think, a very important thing in its own right, ladies and gentlemen, that people are not disenfranchised but they are enfranchised by the Inquiry having meetings and giving people the capacity to come forward if people would like to.

40 So I do thank you very much for being here. We have a couple of meetings now for the balance of the morning. So I will conclude the Public Sitting and once again I express my thanks to you for being here and to both Michael and Roslyn for coming forward. I wish you well.

45 **INQUIRY CONCLUDED AT 10.48 AM ACCORDINGLY**