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## HANSARD

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### CHILDREN'S PROTECTION (NOTIFICATION) AMENDMENT BILL

**Mr PEDERICK (Hammond) (18:21):** I rise also to talk to the Children's Protection (Notification) Amendment Bill. This bill is to amend the Children Protection Act 1993 to enact the recommended legislative amendments which were set out in the Royal Commission 2012-2013 Report of Independent Education Inquiry prepared by the Hon. Bruce DeBelle AO QC. I note that the amendments proposed in this bill address recommendations 26 and 27 of Justice DeBelle's report and will enhance the current mandatory notification provisions in section 11 of the Children's Protection Act 1993.

I will not repeat too much of the relevant history of how we got to this stage, but it has been a terrible sequence of events that has got us to this stage. It is a department cloaked in secrecy, with ministers who will not reveal what is going on with our children at school. As a father of two young children—one in year 4 and one in year 7—the protection of children and how they are treated at school means a lot to me. It is not just my kids but all the children who attend our schools throughout the state. I am quoting directly from the DeBelle Independent Education Inquiry from the section about law reform—recommendation 26. It is recommended that:

...section 11 of the Children's Protection Act 1993 be amended by adding a new subsection 4(a) to read as follows:

It shall be a defence to a charge under subsection (1) to prove that the knowledge of the facts that gave rise to the suspicion was gained only from a police officer acting in the course of his duty.

Paragraph 674, in relation to this recommendation, states:

These considerations draw attention to the question whether section 11 of the Children's Protection Act should be amended. The consequences for a teacher who fails to make the mandatory notification are serious. The teacher will be liable to a fine of \$10,000. Teachers should not be subject to the risk of a substantial penalty if they fail to make a mandatory notification in circumstances where they are doing no more than passing on to CARL what police already know. There are sound reasons why it is desirable to amend section 11 to relieve a person from the duty to notify CARL where that person learns of allegations of abuse or neglect from police in the course of a police investigation and that person knows that police have already notified CARL or that the alleged offender has been arrested and charged. Such an amendment would have the consequence that police would remain subject to the existing obligation to notify CARL.

This is still quoting from the commissioner:

I recommend, therefore, that section 11 be amended by adding a new subsection 4(a) to read as follows:

It shall be a defence to a charge under subsection (1) to prove that the knowledge of facts that gave rise to the suspicion was gained only from a police officer acting in the course of his duty.

The obligation upon police to notify CARL should continue to exist.

Still quoting from the Debelle report, recommendation 27 states:

It is recommended that consideration be given to the question whether it is appropriate to relieve a teacher of the obligation to notify the Child Abuse Report Line pursuant to section 11 of the Children's Protection Act when the only knowledge that that teacher has of possible abuse or neglect of a child has been obtained from another teacher who has already notified the Child Abuse Report Line. That recommendation could be effected by an amendment to section 11 of the Children's Protection Act along the lines of the following:

This section does not require a teacher in an educational institution (including a kindergarten) to make a notification where that teacher's knowledge of the fact that gave rise to the suspicion was gained from another teacher in that educational institution and that other teacher had already made a notification under this section.

Paragraph 675, in regard to this recommendation, states:

Consideration should also be given to the question whether it is appropriate to relieve a teacher of the obligation to notify CARL when the only knowledge that that teacher has of possible abuse or neglect of a child has been obtained from another teacher who has already notified CARL. An amendment could be made along the lines of the following:

This section does not require a teacher in an educational institution (including a kindergarten) to make a notification where that teacher's knowledge of the fact that gave rise to the suspicion was gained from another teacher in that educational institution and that other teacher had already made a notification under this section.

I note that a lot of time and bureaucracy is taken up in the education department. I also note that some of the policies in relation to the health and welfare of our students do not seem to be enacted very well.

In relation to child protection matters, I want to reflect on a policy announcement made by the Premier Weatherill, the member for Cheltenham, in regard to putting more money (\$2 million) into our schools for fitness programs. The \$2 million funding the Premier has committed is to start implementing the Healthy and Strong Children policy over four years. Part of the policy the Premier has put out is to double to 82 the number of schools taking part in the Stephanie Alexander Kitchen Garden program, with a grant of \$439,000. That is fantastic, but the problem is that schools such as the Coomandook Area School are screaming out to me about how they are going to pay their water bill. In fact, in the last Coomandook school newsletter states:

Assets and Grounds Committee are working with...[the Principal] and...[the Groundsman] to review and improve our water system and usage—

which incorporates a massive water recycling program of millions of litres that are caught from the town of Coomandook and pumped up to the school—

as our...[Department of Education] budget is inadequate to cover costs. Although our usage has reduced over recent years, our costs have tripled. The committee is looking to reduce watering in areas around the school which are not used by students and...[reducing] watering on some areas of the oval.

Well, so much for the Premier's great policy announcement of getting out kids out and getting them fit and into sports. I know what happens at Coomandook. I am not sure whether or not it is linked to the child protection policies of the school—I think that it is partly because of that—but our children are not allowed to play on one half of the oval. So, that will be easy: we just will not water half of the oval. The kids cannot even go out there and play cricket. They cannot use the cricket pitch because you can field on only one side! It is just ridiculous. And this would be happening all across the state.

What the minister, the Premier and the education department need to do is work with our schools and work with our kids so that they can supply the appropriate education, the appropriate protection methods, so that instead of just feeding a bloated bureaucracy which is left to its own devices, we could actually get some real outcomes for our kids. I just want to talk about the Stephanie Alexander Kitchen Garden. It is a fantastic idea.

**The Hon. J.M. RANKINE:** Point of order. The member for Hammond has had a fair go at doing his little bit for his electorate, but the gardens actually have nothing to do with the legislation before us.

**The DEPUTY SPEAKER:** I rule in favour of the point of order. The member is straying and he needs to constrain himself to the bill before us.

**Mr PEDERICK:** Thank you, Mr Deputy Speaker, I may have digressed. What I would like to say with regard to all issues to do with education, including our children's protection, is that we really need to see in this state a commitment to make sure that not only are our kids protected in the school environment but that they can get the appropriate education.

Part of that education, I believe, is about health and wellbeing and working in a protected environment. The local school pool at Coomandook, because of maintenance issues, does not look like it is going to be able to open this year. It is just ridiculous when these things should be fixed and should be factored in.

With regard to child protection issues, the member for Unley the shadow minister for the Liberal Party put it very well, putting the chronology of events of what has happened for well over 12 months. It is a disgrace, it is a real disgrace that this has happened. There is the case of a missing email, where no-one seems to know where it went. There is the case of three education ministers, over time, mixed up in this: the former Minister for Education the Premier, the former Minister for Education the member for Hartley Grace Portolesi, and now the current Minister for Education.

**The Hon. J.M. RANKINE:** Point of order. Is the member for Hammond, by using the term 'mixed up in this', suggesting that we are in some way involved in relation to child abuse that has been inflicted on children?

**The DEPUTY SPEAKER:** What is the point of order, please?

**The Hon. J.M. RANKINE:** Well, imputing improper motives. He is reflecting adversely on members of parliament.

**The DEPUTY SPEAKER:** I will ask the member to continue but, as I have already asked him, to try to confine his remarks to the bill before us, please.

**Mr PEDERICK:** Thank you, Mr Deputy Speaker. What I am saying is that these events have happened under the auspices of three separate ministers. In any department, the minister is at the head, they are the ones ultimately responsible. We see that, in many pieces of legislation in this house, in many acts, in many clauses, the minister has the final say and the final discretion. So, that is why ministers of the Crown are the ones finally responsible for how these things are managed and reported.

I am not for once suggesting that any of these ministers are involved in child abuse. I am not saying that at all, if that is what the minister is trying to say. I am not saying that at all. What I am saying is that the minister at the time is absolutely responsible. We see, from the recent material that came out in question time today, that it is still happening as recently as April of this year and that there are issues in the system around notification and around protecting our children at school.

I guess my point is, and it does not matter where the children go to school—we have seen issues throughout the urban area and we have seen issues in the country areas on what happens under this system that obviously has not been working. I note that these provisions are in the bill so that people do not get tied up in knots—that is how I see it—in worrying day and night whether a situation has not been reported, but I also note that the default position is that people should still notify the Child Abuse Response Line so that we get that notification.

I appreciate the protection of a defence this will give to people in case, for some reason, they fail to report or they believe it has been adequately reported, whether through another staff member or a police officer. That is how I see the amendments that have been drafted. We support these amendments, and it will be interesting to see what other legislation comes through as a result of the DeBelle inquiry.

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