



Speech by

Mr J. HEGARTY

MEMBER FOR REDLANDS

Hansard 17 November 1998

CHILD PROTECTION LEGISLATION

Mr HEGARTY (Redlands—NPA) (11.49 a.m.): I acknowledge the presence in the gallery of my mother, who is here today to celebrate her birthday with me.

On 10 November the Minister for Families, Youth and Community Care and Minister for Disability Services introduced the Child Protection Bill. One aspect of that Bill causes me concern. Since the Bill's introduction I have been contacted by some people who deal with the issue of child abuse, and they have raised similar concerns. The concern is that by trying to protect a child from being identified we could be causing that child more problems, as the child may feel that somehow they were the cause of the abuse.

The Minister stated that the legislation will respect the right of children and young people to have their views taken into account. No-one questions the good intent of that statement. However, I do not believe that insisting on a code of silence in regard to identification and so on gives the child that right to have their views taken into account. Is there something the victim should be ashamed of to the extent that their identity should be compulsorily hidden?

The legislation should provide an out for families and children who do not want silence. While I agree that protection should be in place, I also maintain that victims have the right to be seen and heard. I believe that, under certain circumstances and with professional advice, counselling and assessment, and combined with parental approval, the decision must remain with the child and their non-offending family. I do not expect that many will call on this option, but it must be there for those who want it and even for those who do not want it initially but subsequently change their minds. It must be there as a fall-back provision.

The general public can see and identify with a child who has, say, leukaemia or who is the victim of an horrific road accident. They feel compassion and provide support. Why are the public to be forbidden by a code of silence, no matter how well intentioned, to see the face of an innocent child who has been abused? What makes this innocent victim any less innocent, any less needy or the circumstances any less tragic—

Mr FOURAS: Madam Deputy Speaker, I rise to a point of order. The member is raising matters that are in the Child Protection Bill, a Bill before the House. I suggest that he is out of order in discussing it.

Madam DEPUTY SPEAKER (Dr Clark): Order! I am advised that the member can continue until we have actually seen the Bill. The member may continue.

Mr HEGARTY: This same tendency to silence and secrecy aids and abets paedophilia, something that is—

Ms BLIGH: Madam Deputy Speaker, I rise to a point of order. The Bill has actually been tabled in the House and the Parliament has in fact seen it. It is No. 16 on the Notice Paper. It was introduced last week.

Madam DEPUTY SPEAKER: Order! The Clerk has reconsidered his advice. Because the Bill has been tabled, the member cannot refer to things that are actually in the Bill itself.

Mr HEGARTY: Thank you, Madam Deputy Speaker. I will relate my remarks to the topic in general and not to any relevant aspects of the Bill which may be discussed in the future. Concern about the publication of information relating to child sex or child abuse offences is one aspect that I do not

think has been taken to excess to this point in time. No doubt we all recall the recent incident involving Matthew Nemet, the child who was tortured by his mother and her de facto husband on the north coast. In highlighting the legislation brought into the House by the Minister, the Courier-Mail pointed out that sometimes publication acts in the best interests of an abused child, as was the case with this unsavoury incident.

Matthew Nemet's grandmother, Mrs Jelka Nemet from Adelaide, who has had the child placed in her custody, agreed that silence was not always the right thing because it ended up protecting the guilty and creating problems for the innocent. She went on to say—

"I believe in freedom of speech. In our case hiding the names was no help to Matthew, it just protected Michelle and Jason (his mother and her boyfriend convicted of torturing him)."

I think that is a very good recent example of how the exposure of issues such as child abuse alerts the population in general to things that are going on in society. Of course, the Forde inquiry is highlighting acts of a similar nature.

Recently I became aware of the problems of child abuse when I hosted a white balloon day in the Redlands area. That is an initiative of the organisation Advocates for Survivors of Child Abuse. That organisation was formed in Belgium a few years ago by the mother of a child who was murdered by a recently released sex offender. That horrific murder highlighted people's lack of awareness of the commission of such offences. Since its inception, white balloon day has been an annual event and is now spreading throughout other countries.

I first became more keenly interested in the problem following the report last year of the Children's Commissioner. That report highlighted the fact that there were cases of child abuse in areas such as Redlands Shire and Logan City, which were identified as hot spots. Parts of those areas are in my electorate.

I refer to some recent studies referred to by the Wood royal commission in New South Wales that the Minister might like to reflect on when her Bill comes before the House. The report of that royal commission pointed out that an understanding of the victims and a recognition of their needs and wishes are paramount. It also pointed out that isolation arising out of the secrecy surrounding the abuse, and the efforts of the abuser to maintain that isolation, fear, confusion, shame and self-blame on the part of the child, is to be discouraged. I feel that the disclosure of certain child abuse offences will better enable society to eliminate that element of abuse, which has been going on for far too many years and which, unfortunately, until recently, through that code of silence, had for a variety of reasons not been made known to the public.

I ask that, before the Bill introduced by the Minister is debated in the House, members give consideration to issues such as the suppression of identification. They should respond appropriately to the problems of child abuse victims, who have undergone considerable trauma and difficulty which in many cases marks them for the rest of their lives and in their adult years prevents their taking their place as productive members of the community.
