



Re: Fw: Chaperone Review - request for meeting  
Patricia Harper  
to:  
chaperonereview  
05/11/2016 08:01 PM  
Hide Details  
From: Patricia Harper [REDACTED]  
To: chaperonereview@nhpopc.gov.au,

3 Attachments



Attachment2



Attachment3



Attachment4

Dear [REDACTED]

Thankyou for your email, and I also found the discussion on Wednesday thoughtful - and stimulating, in that we often don't always take the time as a community to have discussions about similar issues (in this case, the sexual abuse of vulnerable people) across different jurisdictions (child protection regulation and health practitioner regulation).

Indeed a consequence of Wednesday's meeting was that it stimulated my thinking on a number of issues relevant to how the community responds to allegations of sexual abuse - whether of children or young people by their carer, or of patients by their treating doctor - including:

(1) The very substantial changes in public attitudes over the past 20-30 years with respect to how the community, legislation, and services, respond to allegations of sexual abuse (whether of children, young people or adults) - although these changes have not always been reflected in legislation and practice..

This is particularly true with respect to children and young people in the period since the *Child Welfare Practice and Legislation Review (the Carney Review)* 1982-85, the passage of the *Children and Young Persons Act* (and its companion *Community Services Act*) in 1989, and the *Children, Youth and Families Act* in 2005 (which amended and consolidated the 1989 CYFA and CSA).

It was the 2005 CYFA that introduced further reforms, including *inter alia* Part 3.4 - *Out Of Home Carers*, in which Parliament set out - in legislation - measures to respond to allegation of sexual (or physical) abuse by out-of-home carers, as well as for the establishment of the Suitability Panel - rather than relying on agencies or professional bodies to decide on protective measures they thought appropriate.

In particular, and most recently, the enquiries carried out by the Royal Commissions into Family Violence, and into Institutionalised Responses to Child Sexual Abuse, have exposed significant shortcomings in legislation, practice and services; the damaging and long-term consequences of sexual abuse on victims; and the critical importance of relevant authorities taking immediate steps to respond to allegations of abuse, to protect the victim, and to prevent further abuse occurring.

(2) Adequate measures to protect victims when allegations of sexual assault - who should decide ?

The CYFA 2005 effectively provided, in respect of steps to protect victims in response to allegations of sexual abuse, that Parliament should be the body that set out the measures required to protect the victim and prevent further abuse - not the relevant professional body.

(3) Enquiries into allegations of sexual abuse in the past (whether of children, young people or adults) have found that it has frequently occurred as a result of the abuse of the power relationship and the failure of the professional duty of care, and that these issues need to be addressed.

(4) The key issue to which the community should be responding, and taking steps to prevent, is the vulnerability of those being abused - whether a child or young person being cared for in out-of-home care or an patient being treated for a medical condition.

Kind regards

Tricia