

**COMMISSION OF INQUIRY (CHILDREN IN STATE CARE) (PRIVILEGES
AND IMMUNITIES) AMENDMENT BILL**

22 June 2006

Adjourned debate on second reading.

(Continued from 21 June. Page 452.)

The Hon. D.G.E. HOOD: I rise on behalf of Family First to support the second reading of this bill. I will start by making clear something which I believe has become a confused issue. It may seem a little parochial of me to say so, but it was Family First (through my colleague the Hon. Andrew Evans) that, in one sense, got the ball rolling with regard to inquiring into sexual impropriety in this state. It was Family First that proposed legislation to amend the Criminal Law Consolidation Act to enable the prosecution of individuals who were otherwise free from prosecution because the time to prosecute had elapsed. So, prior to 1982, offenders could not be prosecuted because of the statute of limitations.

This amendment, which (to its credit) was adopted by the Rann government, brought to light cases of sexual impropriety from many years ago—that is, prior to 1982—and an outcry has followed as more and more cases have come to light. To its credit, the government has gone ahead with this inquiry, which I think we would all agree has provided an opportunity to set things straight and to allow proper healing—if that is the appropriate word to use. I also give credit to the Liberal Party, because I recall that, for some time, it called for the opening up of an inquiry into state care. So I give credit where credit is due. It is heartening to see that across politics in this state there is a genuine desire to bring to justice perpetrators of this evil against defenceless child victims, in particular. In short, Family First has a zero tolerance for child sexual offending.

Obviously, this bill has come upon us fairly rapidly. Given the time frame, I guess all of us are placing significant trust in the respected and retired judge and chair of the inquiry, E.P. Mullighan QC. To put it simply, if he says that his

witnesses need this protection, Family First will not stand in the way. That is the bottom line from our perspective. I would also like to acknowledge the comments of and the work done by the Hon. Mr Lawson who brought to the attention of this chamber a very significant matter relating to this legislation. To be absolutely frank, if he had not brought that matter to our attention, it is possible that we may have missed just how important it is that this inquiry remain absolutely confidential. So, I acknowledge and thank the Hon. Mr Lawson for that.

We are alert to the potential outcry from defence lawyers and civil libertarians as to fairness for those who might ultimately be prosecuted as a result of evidence taken at this inquiry. One could fairly argue that prosecutors have an advantage because they know what evidence the witnesses have given whereas defence counsellors would have no idea at all. Without the ability to subpoena evidence, defence counsel are largely in the dark. So, I believe we are all placing considerable trust in the Director of Public Prosecutions. I believe his office's role will be to proof comprehensively (and thereby filter) witnesses to the inquiry if they become Crown witnesses in any ensuing criminal prosecution.

The plain fact is that people do lie on occasion. For whatever perverse reasons, some people may lie to the inquiry and persist with that lie through to criminal prosecution. Exposing the lie would be a lot easier for defence counsel if they could cross-examine witnesses based on their evidence to the inquiry. This is not a cute legal point; it is quite serious. People go through a great deal of grief and, in some cases, resort to taking their own life as a result of childhood sexual abuse. It is a very serious matter. I hope that the thoughts that I have expressed here will not only weigh heavily on the government but also on the DPP. Obviously, there are serious consequences for those who end up unfairly prosecuted.

I also hope that the electorate can see that Family First has turned its mind to the disadvantage that this provides for future criminal accused. We must trust our public servants and hope that in the proofing process the DPP impartially

and critically filters out those who are trying to abuse the process for their own selfish ends. In principle, I support the second reading of this bill, and I look forward to the committee stage.