

Children's Commission accepts treatment of pack rape victim

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QUEENSLAND'S Children's Commissioner has assured a Brisbane man that authorities acted appropriately when they determined it was acceptable for public officials to wait three days before advising police of the alleged pack rape of a child in care.

The man had recently contacted the Commission for Children and Young People and Child Guardian (CCYPCG) expressing concern about the alleged rape of a 14-year-old female resident of the John Oxley Youth Detention Centre in 1988.

Premier Peter Beattie's revelation last year that former Family Services Minister Craig Sherrin had made an inaccurate statement to the media about the incident led to renewed calls for an independent inquiry into the centre and prompted the man to contact the CCYPCG.

Mr Sherrin had been quoted in a 1989 media article as saying the 14-year-old female resident was 17 years of age, and had been encouraged to lay charges over the incident, which was not the case.

In her written response to the Brisbane man, CCYPCG Commissioner Elizabeth Fraser said the Commission had asked for and received responses about the alleged rape from both the Queensland Police Service (QPS) and the Crime and Misconduct Commission (CMC) – formerly the Criminal Justice Commission (CJC).

"From the information provided to the Commission, it is evident that appropriate action has been taken in relation to this allegation



Pack rape victim and where it happened ... insult on top of injury

by the relevant authorities," Ms Fraser said.

In 2001, the CJC investigated claims, reported in the media, that the alleged rape had been the subject of a cover-up.

In a media statement released at the time, the CJC said there was "no reasonable basis to suspect any official misconduct by any departmental staff in respect of their duty to report the alleged rape of the girl".

Documents obtained through Freedom of Information and personal interviews reveal the following details about the incident:

On Tuesday, May 24, 1988, a 14-year-old Aboriginal girl was taken on an excursion from the John Oxley Youth Detention Centre to the Lower Portals area of the Mount

Barney National Park, near the state border with New South Wales.

Also present on the outing were six male residents of the centre and five non-custodial staff members, three males and two females, both of whom became lost.

At one point during the outing, the girl slipped and fell into the water. She was instructed to remove her jeans and gave them to a staff member. She was left wearing a t-shirt, panties and a jumper tied around her waist.

Shortly after lunch, staff noticed that the girl and five boys had disappeared. They were located about 15 to 20 minutes later.

One of the staff members immediately suspected the girl had been sexually assaulted. He reported

these concerns to the other staff members.

A meeting between the staff who had been on the outing and the centre manager was held later that night.

The suspected sexual assault was discussed and a decision was made to investigate the matter the next day.

On Wednesday, May 25, 1988, another meeting was held. The suspected sexual assault was discussed but "no direct evidence was available".

Later that day, the centre manager interviewed the girl who said she had been raped the previous day by two of the boys. She told the manager she wanted the boys charged by the police.

The girl was then assaulted and threatened by other inmates.

The manager requested reports from the staff members who had been on the outing.

That evening, the girl was given contraceptive, "morning after" pills.

On Thursday, May 26, 1988, the manager reviewed the staff reports.

On Friday, May 27, 1988, the police were contacted and the girl underwent a hospital medical examination.

On Saturday, May 28, 1988, four days after the incident, the girl was finally interviewed by police and decided she did not want to make a formal complaint.

The reasons she cited were concerns for her safety at the centre and the length of time the matter would take to come to court.

The 1980 Queensland Policeman's Manual states, "upon receiving a complaint of rape for investigation, bear in mind that swift, accurate, tactful and thorough handling is required.

"Indispensable evidence may be irretrievably lost if time is allowed to drag; the alleged offender must be located as soon as possible, and speedy examination of the persons of both complainant and assailant may produce vital evidence."

When asked by *The Independent Monthly* for further comment on the action taken by authorities in relation to the alleged rape, Ms Fraser said the matter was out of the Commission's jurisdiction.

"The Commission referred it to the appropriate agencies, who reviewed the case and told us nothing further can be done," Ms Fraser said.

Five-year wait for public dental patients

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DENTISTS from other overseas countries are required to sit a series of exams set by the Australian Dental Council.

"Overseas doctors cannot practice in any clinic without successfully passing an English exam, and theoretical and practical exams, all set to Australian standards," Dr Foley said.

Dr Foley said the majority of practising overseas dentists in Queensland were more likely to get work in rural areas.

"The condition of people's teeth in rural areas is generally worse than those in metropolitan areas, but it's so difficult attracting local professionals and specialists to rural areas.

"People don't want to work for the government, and especially in rural areas, and why would they? There's more money in private set-ups and that's where more dentists are going," Dr Foley said.

However, prevention had always proven to be better than cure, Dr Foley said, and the trauma patients and dentists experienced by extracting teeth could be avoided if the right measures were taken.

Dr Foley said he believed the state of public dental waiting lists could be improved if the government coordinated its role in providing better preventative dental care.

"It's not an issue of money, the Queensland

government has always been very good about giving money," Dr Foley said.

Effectively, the state government provided Queensland with \$130 million a year for dental care, he said, which was excellent in comparison with the \$100 million New South Wales received with double the population.

"Yet we still have the worst gum disease and the highest dental needs in the country. What we need to do is introduce better preventative care," he said.

At the top of the list was water fluoridation, which Dr Foley said, was internationally recognised as the easiest way to prevent early tooth decay and gum disease.

The process of water fluoridation involves adjusting the levels of fluoride already found naturally in the water, to provide a substantial public health benefit.

"Water fluoridation is endorsed by every world health organisation in the world and Queensland is the only state in Australia which doesn't have it," he said.

Only 4.7 per cent of Queenslanders live in areas with fluoridated water compared to 77-100 per cent of the population in other states and territories.

At present, Dalby, Mareeba, Moranbah and Townsville are the only centres in Queensland to have a fluoridated water supply.

"Fluoride has both topical and systemic

effects, and a large systemic effect exists in the teeth of kids. Fluoridated water is far more effective than fluoride tablets because it builds into the teeth and strengthens them. Plus it's a far cheaper, safer and more effective way of preventing several dental problems," Dr Foley said.

In fact, Queensland Health conducted an independent cost effectiveness study in 2002, and found that if all Queensland towns with a population of over 5,000 implemented water fluoridation, in 30 years time the state would save \$1 billion in dental costs.

Under current Queensland legislation, the Fluoridation of Public Water Supplies Act stipulates that the local government is responsible for deciding whether or not to fluoridate water supplies.

And the Queensland Government said it supports the introduction of fluoride "where the relevant community has consented to it".

The Brisbane City Council has refused to support water fluoridation.

MP and Honours graduate in Dentistry, John-Paul Langbroek, unsuccessfully introduced a Private Member's Bill into the Queensland Parliament in September 2004, entitled *The Fluoridation of Public Water Supplies Amendment Bill 2004*, which sought to amend the Act, to require local governments to add fluoride to public water supplies.



Michael Foley

According to the Queensland ADA, the government is worried about "a vocal minority" who stand against the implementation of water fluoridation.

"It doesn't make much sense, even the former Lord Mayor who opposed it admitted that there are no adverse health effects and it would save a fortune.

"This is a state-wide issue which needs a state-wide solution, and the government needs to take more responsibility," Dr Foley said.