T R A N S C R I P T

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Management of Child Sex Offender Information

Melbourne-Wednesday, 26 May 2021

(via videoconference)

MEMBERS

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WITNESS

Ms Carol Ronken, Director of Research, Bravehearts Foundation.

The CHAIR: Good evening, everyone. I am delighted to declare open the Legislative Council Legal and Social Issues Committee's public hearing into the Inquiry into Management of Child Sex Offender Information.

May I just start this public hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands that we are gathered on today, and pay my respects to their ancestors, elders and families, and I particularly want to welcome any elders or community members who have joined us via Zoom to watch this public hearing or are watching it from our parliamentary website. I would like to welcome anyone who is watching this hearing via our live broadcast.

This evening we are joined by Deputy Chair Tien Kieu, Ms Kaushaliya Vaghela, Ms Tania Maxwell, Mr Stuart Grimley and Mr Ed O'Donohue. And we are very happy to have Carol Ronken, who is the Director of Research from the Bravehearts Foundation. Welcome, Carol, and again thank you for making the time this evening.

I just have some formal words to give you to let you know that all evidence taken this evening is protected by parliamentary privilege, and that is provided by our *Constitution Act* but also the standing orders of the Legislative Council. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing. However, if you were to repeat the same comments outside this hearing, you may not receive the same protection. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

As I am sure you are aware, we are recording this hearing this evening. We are also transcribing every word you say. You will be sent a transcript in the next little while, and I would encourage you to have a look at it and make sure we have not misrepresented you in any way.

So, Carol, if you would like to state your name and the organisation that you are with and make some opening remarks and then we will open it up to a committee discussion. Thanks again.

Ms RONKEN: Thank you so much, Fiona. My name is Carol Ronken. I am the Director of Research at Bravehearts Foundation, based in Queensland but we operate Australia-wide. I have a written statement just to ensure that I do not forget anything, so I will just read this out.

On behalf Bravehearts I would like to thank the committee for the opportunity to provide a submission in relation to the Inquiry into Management of Child Sex Offender Information and to provide further clarification through this hearing. As I am sure many of those providing evidence will attest, any discussion on addressing and responding to child sexual assault must include an understanding of the complex effects of child sexual assault on survivors as well as the dynamics of offending. Various sources over the years have shown the alarming prevalence of sexual offences against children. One in five children will experience sexual harm in some form before their 18th birthday. Childhood trauma can impact on children's development across a range of domains, including physical, emotional, social and cognitive, with those who experience child sexual assault at much greater risk of mental health issues as adults. In addition, child sexual assault can have impacts in other areas of the lives of survivors, including education, employment, relationships and parenting. Various events can trigger trauma for many.

Sexual offending usually occurs in the context of an established relationship. Offenders rarely offend on the spur of the moment. Offending usually occurs when an offender has groomed a child, and often they are family members. Offenders are a heterogeneous group, they offend for a large array of reasons, and not all offend because of a specific sexual interest in children. Offenders respond differently to therapeutic interventions. It is with this knowledge and within this context that we provide our feedback to the current inquiry.

Our written submission focused on two areas the committee is looking into: the best means to prevent sexual offences from occurring through informed public awareness and the circumstances in which details of convicted child sex offences can be made public. We strongly believe that there is no one approach that will

work. We must approach the prevention of sexual offences against children through a holistic lens, and this lens must acknowledge that a great number of offenders will never come to the attention of the authorities. Education, public awareness and evidence-informed policy and legislation are critical. This must be couched in understandings about different offending behaviours, different types of offenders, the vast array of reasons why perpetrators offend and the risk factors that may lead to offending or, in the case of known offenders, reoffending.

There is no mistaking that sexual crimes against children are abhorrent and we need to do all we can to protect our children and communities from offenders and to prevent this crime. But the reality is that we will only ever know about a small number of offenders. There are so many barriers that stop children and young people, as well as adult survivors, from speaking out. When we are considering how to prevent and respond to sexual offences against children, we must keep this in mind. Most offenders are known, loved and trusted by the child. Offenders are not the strangers that I—and I am sure many of you—was warned about as a child.

As an organisation, Bravehearts is concerned about the push for publicly available registers, specifically those modelled on a Megan's law approach in the United States, where the home addresses of released offenders are made publicly available. Our concerns are based on the experiences of these schemes that do nothing to address the factors that increase the likelihood of recidivism. We know that there are three main categories of risk that impact on an offender's desistance from offending: they are deviant sexual interests, antisocial behaviour and lifestyle instability. Unfortunately public notification schemes along the lines of the Megan's law approach may in fact increase the risk of reoffending by adversely impacting on providing stability and reintegration of offenders post release.

Concerns have been raised by many that the schemes that publicly share the home addresses of offenders may drive offenders underground, deterring them from updating information to authorities, essentially meaning that police no longer know where these offenders are. These types of laws will only ever impact on a small number of offenders—those who are convicted for the crimes they commit against children. We see this in action in the Western Australian approach to a public register, with only 6 per cent of convicted offenders able to be included in their notification scheme.

Australian research over the last couple of decades has shown the high attrition rate of offences within the criminal justice system. Our written submission included research from Victoria, cited in a 2017 paper that followed the attrition from recorded sexual offences through to recorded police action, to court and then finally through to the final court outcome, with only 23 per cent reaching court and only 8.9 per cent with a guilty finding and a further 8.3 per cent being transferred to a higher court. This demonstrates the limited capacity of public registration legislation to protect the community, let alone if we also consider the incredibly high number of child sexual offenders we know never come to the attention of the police. Research, as it typically does, varies, but somewhere between 5 and 13 per cent of sexual offences are ever reported to the police.

Finally, I would like to reiterate the need for any approach to preventing offending or preventing reoffending to be set in terms of what the evidence shows us works. It is easy to take on policies and legislation that seem to be good on the surface, and community notification laws and public registers are a prime example of this. I mean, who would not want to know if they had a convicted child sex offender living next door to themselves and their children? But we need to make sure that we are not providing a false sense of security to our communities. We need to make sure that whatever policies, programs, legislation we support and put in place will work, that there is evidence to back them up.

Once again I thank you for the opportunity to provide further information, and I am happy to take any questions that the committee may have.

The CHAIR: Thank you, Carol. And thank you for those opening remarks, and also thank you for your submission and the work that Bravehearts does. If I could start the questions, obviously we do not want anyone to be harmed, and in your submission you mentioned—was it a keep safe adventure program? I am wondering if you might expand on those programs and whether there has been any evaluation of those programs.

Ms RONKEN: Yes. Look, certainly. So Bravehearts has been running what is known as the Ditto's Keep Safe Adventure program in schools since around about 2004–05. We have seen over a million children with these shows. They are run in Queensland, New South Wales, Victoria and Tasmania. We have had the program

evaluated externally a couple of times by an external psychologist, but we really want to do a much more thorough evaluation of the program. However, we have also identified some gaps in terms of the program's development over the years; for example, we really have not changed the program to include online safety in any great degree. And I guess originally that decision was made because we were focusing on children in child care and prep to grade 3, but we now know that those children are accessing the online space. So we do know that we need to cover that type of safety in the program.

We also do not cover things like how to identify who a trusted adult is. So we talk to children that if anything ever happens that makes them feel unsafe or unsure, they should talk to a trusted person, but trying to help children identify who that trusted person may be is an essential part of education which we have not done in the show to date. We are currently working with the Institute of Child Protection Studies in Melbourne and Professor Daryl Higgins and his team to look at what concepts need to be covered in effective personal safety training or personal safety education, and we have received the first report back from them and we are currently working with them to look at how we can involve parents better in these programs.

The idea behind prevention programs like Ditto is not only to help provide children with the knowledge and skills to stay safe but it is around building resilience and empowering children to be able to be less vulnerable to offenders who are able to identify certain vulnerabilities in children, so to help them gain confidence around their bodies, self-esteem et cetera to be able to understand their rights to safety. I guess a by-product of these programs and talking to kids about some of their rights is we are also talking to potentially young people who may display problematic or harmful sexual behaviours and talking to them about the fact that their body belongs to them, no-one has the right to touch their body, they do not have the right to touch anyone else's, so we are sort of starting to move into that space as well, which is absolutely critical.

We also run programs in high school, ProjectYou!, where we talk to children a little bit more—or young people, I should say—around respectful relationships, so talking to them about what consent might look like and how to act in a respectful relationship to try and tackle some of those issues that we have been seeing recently in the media around sexual assaults within schools. So yes, look, our prevention programs are very much aimed towards children, but we also very much support prevention programs that work towards preventing offenders from offending in the first place.

The CHAIR: Thanks, Carol. Hopefully I will have a chance to ask another question, but I will move to Deputy Chair Tien Kieu.

Dr KIEU: Thanks, Chair. Thanks, Carol, for your time, for being here today. In your submission you said that in order to enhance the detection and prevention of sexual offences against particularly young people, you would have some strengthening of the interagency and interjurisdiction communication. Could you please elucidate or expand more on that for us?

Ms RONKEN: Yes, certainly. Look, I think that we need to see greater information sharing, both between and within agencies; for example, here in Queensland between agencies like the department of communities and the police, but also across jurisdictional lines.

We know that offenders move across lines. They do not sort of sit around in one state for the rest of their lives. So ensuring that we actually share that information and know where these people are—so the authorities know where these people are—is absolutely critical. Understanding levels of risk that different offenders may be posing and to who is also important. Just knowing that an offender has moved from New South Wales to Victoria, for example, is helpful. But knowing their history, their criminal history, knowing all those ins and outs and being able to tap into any information that the authorities in Victoria may need to know is really, really important. So we need to ensure that there are those really strong connections between the jurisdictions as well as between different agencies.

Dr KIEU: One of the issues that has been identified in Victoria by VicPol is the storage and acquisition of data and also the fragmentation of data. So take, for example, Queensland, is the data collected by the police centralised and in a coherent and consistent form, or not?

Ms RONKEN: I believe that it is. We work quite closely with Queensland Police, and they often raise issues with us, and that is certainly one that we have never sort of heard of. We are very much aware that they are able to sort of identify offenders very quickly. We have had cases where we have had people of concern

raised with us, and we have spoken to the police and they have been able to act very quickly. So certainly access to the information they need is at hand. Unfortunately I cannot talk too much to what their actual storage and management systems look like.

Dr KIEU: Thank you, Carol.

The CHAIR: Thank you. I will go to Stuart, then Kaushaliya and Tania, then Ed.

Mr GRIMLEY: Thanks, Chair. Thanks, Carol, for your submission and your time tonight. I really appreciate all the work you do in keeping the kids safe. I did see the Ditto's Keep Safe Adventure program's car around Torquay the other day.

Ms RONKEN: Yes.

Mr GRIMLEY: Yes, you are doing a good job, and I will get to that shortly. My first question is in relation to your submission, which speaks about in particular the Western Australian disclosure model and the minimal vigilante impact that was noted, which has been raised as an issue by the previous submitters, and also the limited impact on offenders being on the Western Australian disclosure scheme. Can you expand on that at all through your knowledge to this inquiry?

Ms RONKEN: Yes, certainly. Look, I know that there was an evaluation done, which is where we sort of got that data. Initially a lot of offenders who had been interviewed were really concerned about the sharing of their information and potential vigilante acts. However, it appears from the research that they have been minimal. I know that there were at least two cases where individuals who accessed information about a perpetrator living within their area shared that on social media, but it was very quickly caught and acted upon. So I think that the system they have in place, in terms of being able to ensure that there are not any repercussions for offenders who are on those lists, is quite strong. I know that they require a drivers licence from somebody who is trying to access information, so that information is recorded, and then obviously if the information is on-shared, the department can act on that. I do not believe that anyone was ever charged or convicted with sharing that information, but they were certainly sort of reprimanded around it.

I think that one of the reasons why we supported the Western Australian model is that we really do acknowledge that often sex offenders are being released and they are being released when there is still a high risk that they will reoffend. And while we would prefer to sort of see them continually detained if such an assessment was made—that their level of risk could not be managed in the community—we sort of see the Western Australian model as being that, I suppose, median point. They are not sharing our addresses, but they are sharing enough information that it perhaps may make the community feel a little bit safer. However, as we pointed out in our submission, only around about 6 per cent of sex offenders were actually eligible for that register, so that is a very small number who were listed, and we are concerned that people will sort of go to these registers, look and say, 'Well, there's no sex offenders living within my postcode so therefore I'll let my children run around safely'. It is not a great prevention tool as far as we are concerned.

Mr GRIMLEY: Yes. From my understanding I think there are different types of ways you can access the disclosure scheme, and one of them, for instance, is you could be in a new relationship and you are a bit concerned about a person so you can type in their name and be a bit more specific in that regard. And you did mention that there is no one solution—which I totally agree with—and it needs to be a holistic approach. You spoke about the false sense of security, so for instance somebody accessing a disclosure scheme and finding, 'Oh, well, he's not a convicted child sex offender, therefore I'll be right'. Do you think that that false sense of security could be mitigated by expanding public awareness and education programs for teachers, parents and children?

Ms RONKEN: Yes, 100 per cent, and that is really where I think we need to focus. Certainly we do understand that benefit of that program. The WA model has those three tiers. Tier one, I think, is the missing offenders, so people who have gone missing and the authorities no longer know where they are; the second tier is for sex offenders who are considered serious and dangerous; and then that third tier is for individuals to be able to make an application to see if someone that they have perhaps new to their children's lives may be a risk to them. I think that in providing that information—if I put a list in and put in someone's name, you know, put in 'Stuart Grimley' and it comes back, 'No, he's fine', I think there still needs to be that one that there is 'No

recorded offences', so just ensuring that they know that, 'No, he's not known to us' but that any prevention should be around that more broad, holistic approach.

We need to be talking to our kids about anyone who may harm them, they need to tell someone about. We cannot just leave it to those that we know about. As I have mentioned, only a very small percentage of offenders ever come to the attention of the authorities. So prevention programs need to be—they do not need to scare children, and the Ditto program certainly does not do that, but it just needs to say, 'Look, if anyone ever makes you feel unsafe or uncomfortable, you need to tell someone that you trust. You have the right to say no'. All of those really broad personal safety messages will help protect our kids more than knowing that there is a sex offender that lives in our suburb.

Mr GRIMLEY: But just on that education that you do, do you have any statistics as to any disclosures from children that have come out of your programs? I know we had the Morcombes on recently and they gave us some quite incredible statistics.

Ms RONKEN: Yes, look, we see them quite regularly, that we will get feedback from the school saying that a child has disclosed. I guess we do not really capture it or keep it on file because it is not one of the purposes of the program. I think that it would be interesting to know the exact figure but it would also be misleading because we do not specifically ask schools to report that back to us, and certainly the schools themselves may never know. The child may go home and tell their parent that someone is hurting them or that they feel unsafe with their neighbour, so it is really important that yes, those programs do have that benefit, but that should not be the focus of prevention programs.

Mr GRIMLEY: Wonderful. Thank you. Thanks, Carol.

Ms RONKEN: It is a pleasure.

The CHAIR: Kaushaliya.

Ms VAGHELA: Thanks, Chair. Thanks, Carol, for your time. In your submission you have spoken about three different types of the disclosure models. The second one, the UK style—how well does that model work?

Ms RONKEN: From what I understand it works really well. We sort of came across it when it was first being piloted. It is known as 'Sarah's law' in the UK and it is really that third tier in the WA model. So if a person is new that comes into your life and you just want to make sure that they are safe to be around your children or to find out if they have had any history with the police, you make I believe it is a written application to the police, an online application, and then they will let you know if that person is someone that you should be concerned about. My understanding is that they do not actually give the details of the offence that the person may have been convicted of, but they do sort of say that it is someone that you may need to be concerned about. I believe that it has worked quite well, and I know that the pilot was rolled out to other areas in the UK. Yes, I believe that it has been working quite well. I do remember speaking to Professor Kieran McCartan from the UK, and he said they did not get the number of inquiries that I think they expected, but when they did, a small percentage of the time they were identifying people that were a risk.

Ms VAGHELA: If there is time, I will come back with a second question.

Ms RONKEN: Of course.

The CHAIR: Thank you. Tania Maxwell.

Ms MAXWELL: Carol, I do not really have any questions at the moment, other than to say thank you so much for all the work that Bravehearts do. It lets a victim know that you are out there and protecting kids, because one of the things we do know is incest is actually such a prolific crime against children, and I think that is something that we really need to do—to have more work and more available education for people. So I just wanted to say thank you, and let us hope that we can eradicate this heinous crime. So thank you very much.

Ms RONKEN: Thank you very much, Tania. And you are right: incest and offences within the family are the largest component of child sexual assault that we know of. In fact we know that interfamilial adolescent offences—so offences between siblings—is one of the highest rates of offending, and it is something that we do not talk about and we do not really address effectively. Again, we have some research planned with the Institute

of Child Protection Studies to look more into sibling abuse, both its prevalence but also how we address it in our communities.

The CHAIR: Thanks, Carol. Ed O'Donohue.

Mr O'DONOHUE: Thanks, Chair. And thanks, Carol, very much for your submission and for your presentation tonight—much appreciated. I just wanted to follow up the questions from Mr Grimley not so much about the WA model but, given your national operations, whether there are other things Victoria could learn from other jurisdictions, that other jurisdictions are doing better than Victoria.

Ms RONKEN: In relation to how we deal with offenders once they have been released, I think there is a lot more that we could be doing. I certainly support—and I have got a feeling that Dr Kelly Richards from QUT has either spoken with you or put in a submission around this—Circles of Support and Accountability. Bravehearts was very fortunate to work with Kelly and Dr Jodi Death and Kieran McCartan on that piece of research specifically around victims' views of these types of programs.

I think that programs like Circles of Support and Accountability need to be rolled out right across the country. I am a huge supporter of them; I have been for many, many years. Probably about 10–15 years ago I was fortunate enough to go to a conference and a number of individuals were presenting from Canada and speaking about the experience of Circles of Support and Accountability in Canada and the wonderful impact it was having on offenders in assisting them to desist from offending again. I would really love to see those types of programs rolled out where they actually support offenders once they have been released, to be able to ensure that they are given a home, they have got employment, they have social supports, they have someone to speak to—all of those sorts of things that we know lessen the likelihood of them reoffending. So certainly programs like that I think are really important.

I am also incredibly pleased to see that the Jesuit Social Services in Victoria have been given funding to pilot a Stop it Now! program. Stop it Now! again is something that we have been pushing for for many years as an organisation. It was initially being run through Phoenix House in Bundaberg here in Queensland; they were a member of the Stop it Now! community. However, despite many, many years of advocating for funding to properly resource that program, Kathy Prentice, who was the CEO of Phoenix House at the time, was unsuccessful in being able to get any government support for the Stop it Now! program. So I am really pleased to see that happening and the pilot happening through Jesuit Social Services in Victoria with the accompanying research through the University of Melbourne.

Programs like Stop It Now! for me are absolutely critical, because we do know that there are a lot of offenders out there—and I guess here I am talking about paedophiles or preferential offenders as well as opportunistic offenders—who may benefit from being able to ring up, make a phone call to someone and say, 'I'm concerned about my thoughts about children. What can I do?'. Particularly when we are talking about paedophiles, there are a percentage of paedophiles who do not offend, who desist from offending because they know that it is wrong, but they have this sexual attraction to children. So being able to provide a program where they can get the help they need—particularly when they are motivated in such a way that they do not want to offend—to ensure that they do not harm a child is really important. So again, I think programs like Stop It Now! should 100 per cent be supported.

I also would like to see more programs and more support for programs that address harmful sexual behaviours in young people. We have a program here that has very limited funding for a philanthropic organisation, and we are able to see young people between the ages of 12 and technically 18, but we will see them up to 21, who have displayed harmful sexual behaviours. It is really important, I believe, that if these behaviours are being seen in young people, we address them as early as possible. While most young people do age out of offending—so it is almost like a stage they are going through—there are some. And we do know that child sex offenders do often have a history of offending within adolescence, so we do need to address those behaviours very early on. So ensuring that there are programs that again are evidence based to effectively deal with and address those behaviours is critical in being able to stop the offending cycle from continuing.

The CHAIR: Thank you. Carol, you just raised some queries for me. When we look at reporting an offender—maybe through the UK program or the WA program—I worry: how does that not disclose the victim-survivor?

Ms RONKEN: That is right.

The CHAIR: Given, as you said, that predominantly this is intrafamilial offending, how do we ensure that victim-survivors are not outed or exposed as a result of this?

Ms RONKEN: Yes. Look, this is such a huge concern of these programs. Certainly in the US I know that most states do not include intrafamilial offenders on their registers because of that very reason—to ensure that victims are not identified. So again, when we look at the number of offenders who would be eligible for a national register, again it shrinks down. But there are certainly concerns even around family members of offenders if an offender is identified. I know that there were cases in the UK. When I was working with Griffith University, I did some research around community notification laws with a colleague at Bond University, and one of the stories that we heard about was in the UK, where an offender was put out through a register—a book. His name was put out through a book and his family home was targeted, and of course that impacted greatly on his children and his partner. So there are so many of these unintended consequences of these types of legislation that really need to be thought through. But certainly identification of victims is a strong one.

I would be really interested to know or do some research around victims' views on registration programs. I think it would be incredibly interesting. I would hazard a guess that none of the children and young people that we see at Bravehearts through our therapeutic services would have been protected through that type of legislation, because the majority of the offenders were known to them and first-time offenders. You know, it is very rare that any of those children would have been protected by this legislation.

The CHAIR: Thanks, Carol. I think, Kaushaliya, you have a follow-up question.

Ms VAGHELA: Just a quick one. How big a role does mental health play for sexual offenders?

Ms RONKEN: It does play a huge role. So there are a number of reasons why offenders offend, and I think that is one of the things I would love to see an awareness campaign talk about, because I think the image is often put out through the media that all child sex offenders are paedophiles, when the reality is they are not. Paedophiles are a very specific subset: they meet the diagnostic criteria for paedophilia, they are preferential offenders and they have a specific sexual interest in children. And then I guess at the other end of the continuum—they are not distinct categories, but it is more like a continuum—there are what are called opportunistic or situational sex offenders, and they can offend for a whole raft of reasons. It could be around things like lack of social supports, it could be self-esteem issues or it could be mental health issues, so a lot of that needs a lot more unpacking when we are talking about how we address offending in our communities. I think that often we like to try and find legislation and policies that do seem on the surface to address this type of crime, but they do not, because they do not really consider the very intricate dynamics of offending and the different types of offenders and factors that lead to offending.

Ms VAGHELA: Thank you.

The CHAIR: Yes, Tien.

Dr KIEU: Thank you, Chair. Thank you, Carol, again. I just have a question. A lot of sex offenders who offend against children are known to them, and most of those will be family members. So why is that? And if it is because of the familiarity or the accessibility, then would that raise a question about the effectiveness of the registry or not? Because those people—I do not know, but perhaps they do not exploit the children that they are not related to because of the circumstances or accessibility or for some other reason.

Ms RONKEN: Yes, that is exactly right. When we look at who offenders are, strangers are only between about 5 and 10 per cent of who the offenders are. Around 95 per cent of the time the offender is someone the child knows. They are often family members. Whether it is a parent, whether it is an uncle, an aunt, a grandparent or a cousin, they are often family members. Those types of offenders do tend to be those opportunistic offenders, and you are 100 per cent right; they often offend because of accessibility. They may have mental health issues or there may be something else going on in their lives, and they sort of respond to that through offending against a child.

Again, as we mentioned earlier, the very fact that most offenders are interfamilial would rule them out of a national register because of that risk of identifying the victim of the offence, so it would be highly unlikely that

a parent or a grandparent or a family member of a child would appear on this register. Most of the time they offend because of the situation rather than because of a sexual interest in children. So even when we think about how we respond to those types of offenders, we really need to be looking at and understanding the motivations behind offending rather than just having a blanket approach to how we deal with it.

The CHAIR: Thank you. Sadly, we have actually run out of time, Carol. Thank you so much. That was really illuminating, and the long period of work that Bravehearts has been doing is really reflected in the submission that you provided to us as well as in the testimony you provided today. So thank you very much on behalf of the committee. We very much appreciate you taking time out of your Wednesday evening to speak to us. As I mentioned at the outset, you will receive a transcript of this evening's hearing, and I would encourage you to have a read of it and make sure that there is no misrepresentation, because ultimately it will make its way onto our website and will form part of our report. Again, on behalf of the committee, thank you for your time tonight and obviously thank you for the work that Bravehearts is doing.

Ms RONKEN: Thank you all so much and thank you for your time this evening.

The CHAIR: Thank you, Carol.

Witness withdrew.