



FEDERAL MAGISTRATES COURT OF AUSTRALIA

Thursday 10 November 2011

Chief Federal Magistrate Pascoe AO CVO

**Youth Health 2011 Conference:
Topic: “Counting the Cost of Abuse”**

I. Introduction¹

Let me start with a story. It’s a summer afternoon, and a group of children are playing backyard cricket while their parents watch on. A skirmish breaks out between the children. One of the dads steps in, hoists up the four-year old troublemaker – who is not his child – then slaps him across the face.

Those of you who have been watching ABC TV’s “The Slap”, based on the Christos Tsiolkos novel, will know the consequences that flow. There are court proceedings, broken friendships and frayed relationships. Most importantly, all the children in the backyard are profoundly and negatively affected by the incident. The costs, in short, are huge – and they all stem from one act of abuse.

“The Slap” is, of course, fictional. However the Australian Institute of Health and Wellbeing recorded over 180,000 notifications of *actual* child abuse in Australia in the 12 months to July 2010². This does not represent the full scale of the problem, as a great many incidents – such as emotional abuse and exposure to domestic violence – go unreported.

¹ I wish to acknowledge the contribution of my Legal Associate Mr Andrew Small in preparing this paper

² Australian Institute of Health and Wellbeing, ‘Child protection Australia 2009-10’

Despite these documented figures, a series of studies have shown that Australians downplay the seriousness of child abuse, rating it below public transport and drugs on a list of “issues of most concern”.³

This raises two important questions:

- 1) How can we make people appreciate the scale of child abuse and neglect in Australia? and
- 2) What strategies can we use to stop child abuse before it happens?

During my time today, I will point out that these questions are by no means independent of one another. An answer to the first question may well yield an answer to the second.

II. Outline of economic research

One strategy that has been used to make people sit up and take notice of child abuse is to put a dollar value on the problem.

Over the past ten years, there have been a number of research papers with this aim published in Australia and abroad.

This brings to mind the old cliché about bean counters knowing ‘the price of everything and the value of nothing’⁴. However the research has a clear purpose. By estimating the cost of child abuse and neglect to individuals and society, a strong case is made for funding programs which might *prevent* the abuse from happening in the first place.

In other words, the community might be less prepared to ignore child abuse when the extent of the economic cost is realised.

³ Dr Joe Tucci, Janice Mitchell and Professor Chris Goddard, ‘Doing nothing hurts children’, (2010) Report produced for the Australian Childhood Foundation, 21

⁴ Oscar Wilde, ‘Lady Windermere’s Fan’, Act III

The most recent study of this nature was an Access Economics Report from 2008, titled “The Cost of Child Abuse in Australia”. This report took into account the personal, economic and social costs of child abuse, and found that a conservative estimate of the cost of child abuse to the Australian community in 2007 was \$4 billion. In addition, the “burden of disease” – a measure of lifetime costs of fear, mental anguish and pain relating to child abuse and neglect – was estimated to cost a further \$6.7 billion. By comparison, obesity is estimated to cost the Australian community \$8.3 billion a year⁵.

Earlier studies on the costs of child abuse have had similar findings.

- A major review by the National Child Protection Clearinghouse in 2005 found that child abuse has a significant impact on an individual’s ability to function within society, particularly in the areas of employment, education, relationship development and parenting.⁶;
- And in 2003, the Kids First Foundation estimated that the cost of child abuse and neglect in Australia, in the financial year to July 2002 was almost \$5 billion⁷;

The studies I have just cited consider a number of costs of child abuse and neglect, including:

- Government care and protection costs;
- Health system costs;
- Additional education expenditure;
- Productivity losses;
- Poor academic performance; and
- Increased risk of crime and drug and alcohol abuse;

As anybody who works in the area of child protection and youth health will be aware, however, statistics can only tell part of the story, and there are many other costs of

⁵ Access Economics. ‘The growing cost of obesity in 2008: three years on’. Canberra: Diabetes Australia, 2008

⁶ N. Richardson, *Social costs: The effects of child maltreatment*, National Child Protection Clearinghouse, AIFS, Resource Sheet no. 9, 2005,

⁷ Keatsdale Pty. Ltd., Report into the cost of child abuse and neglect in Australia, , prepared for the Kids First Foundation, 2003

child abuse that cannot be so easily measured. These effects include low self-esteem; homelessness; chronic health problems; and increased likelihood of mental illness, self-harm and suicide. Added to this, there is also evidence to show that child victims of abuse may have a much higher risk of mistreating children themselves when they are adults.⁸

As a result, the *real* cost of child abuse and neglect in Australia is undoubtedly even higher than the figures I have mentioned.

But whichever way you look at it, these studies make a very compelling case for increasing expenditure on measures which might help prevent child abuse from occurring. Later in this talk, I'll outline some of the most effective preventative measures, which should be supported as part of a collaborative national approach.

III. Case studies – Australia and abroad

Within the Courts in Australia, we see every day people who have been affected by abuse of various kinds. This ranges from the badly injured child, to the parents who are unable to effectively care for their children because of their own previous experience of abuse or neglect.

In the context of the Asia-Pacific as a whole, UNICEF has over the past few years completed some compelling research into the impacts of child abuse. In a paper published in November 2010 and co-authored by Diane Swales, UNICEF's Regional Adviser on Child Protection, it was stated that in the Asia-Pacific region, "the damage experienced by children is immediate as well as lifelong, with consequences going beyond individual children and directly affecting social and economic development, especially for low and middle income countries".

This reinforces the fact that child abuse is a *public*, not a private problem.

⁸ Ibid, 108

The extent of the problem is best illustrated by the chart on the current slide, which shows that 28 per cent of children across East Asia and the Pacific, which includes Australia, have suffered some form of sexual abuse.

UNICEF have also added to our understanding of the impact of child abuse by looking into the effects that abuse can have on a child's neurological growth and development.

For example, the next slide shows the negative impact of neglect on the developing brain. As you can see, the brain of the maltreated child is significantly smaller than average and has an abnormal development of the cortex as a result of the maltreatment.⁹

In its most extreme form, the results of child abuse can be seen in the survivors of trafficking being cared for by the Somaly Mam Foundation in Cambodia. Some of these girls were put into brothels as young as six years old, where they suffered physical and sexual abuse. Their stories are gut-wrenching and their journey towards self-respect, physical and psychological health a long and difficult one.

IV. Prevention as solution

I have mentioned several times already the clear benefit in funding programs designed to prevent child abuse from occurring.

In the UNICEF paper I have just referred to, the authors endorse this strategy. They state that “it is reasonable to assume that the total costs [of child abuse] to both governments and individuals [in the Asia-Pacific region] are considerable and far outweigh the costs of investing in preventing child maltreatment”. This echoes comments made by the PEW Center for the States in America, which has argued that spending money on strategies designed to prevent child abuse can be viewed as an “investment in young children”.¹⁰

⁹ Ron Pouwels, et al, ‘Child Protection and Child Welfare in Asia and the Pacific’, (2010), UNICEF discussion paper, ii

¹⁰ Elaine Weiss, ‘Paying Later: the high costs of failing to invest in young children’, PEW Center on

Access Economics estimates that Australian governments already spend at least \$1.1 billion annually on programs designed to prevent child abuse and promote better parenting and family relationships.¹¹

When you consider the figures I have mentioned about the costs of child abuse, however, it is clear that much more could be done to prevent child abuse in Australia. More spending should be directed to areas such as:

- Maternal and child health;
- Parenting education and support;
- Domestic violence prevention;
- Housing support;
- Mental health and substance abuse programs;
- Poverty alleviation; and
- Child care assistance.

These prevention programs should be implemented as part of a coordinated national strategy. For this reason, I am glad that the Council of Australian Governments has endorsed the first *National Framework for Protecting Australia's Children* which is described as “long-term, national approach to help protect all Australian children”.

Furthermore, I support the recommendation of the Australian Childhood Foundation that investment should be made in a sustained national community education campaign about protecting children from abuse and exploitation¹².

the States Issue Brief, January 2011

¹¹ P. Taylor et al., *The cost of child abuse in Australia*, Access Economics, 2008, p147 Note this includes spending by the Federal, State and Territory Governments on programs such as the Responding Early Assisting Children (REACH) Program and the Family Violence Partnership Program. In addition, there are many worthwhile programs offered by Not-for-Profit organisations in the area of preventing child abuse, which are fully or partially funded by government. Some of the organisations which run these important programs are Mission Australia, Barnados, the Australian Childhood Foundation and the Abused Child Trust.

¹² Tucci et al, above n. 2, 2

V. Conclusion

Let me conclude by asking you to imagine you had just been told about a childhood disease that affects one in five Australian children before they reach the age of 15¹³. A disease that can lead to severe mood swings, depression, self-harm and substance abuse; a disease that increases the risk of a range of health complaints later in life; a disease that undermines the sufferer's likelihood of completing high school, holding down a job and experiencing regular adult relationships; and a disease that replicates itself by causing some of its victims to expose future generations to its debilitating effects.

Imagine what we, as a society, would do if such a disease existed. We would spare no expense. We would invest heavily in basic and applied research, and we would develop and implement prevention campaigns to protect our children.¹⁴

Such a disease does exist – and it is called child abuse and neglect. And despite the documented prevalence of child abuse and its clear costs, our response falls far short of what would occur in light of a “traditional” disease or health concern.

I don't think it is hyperbole to say that as a nation we've been failing our young people on this issue. The consequences of failure are seen in the Courts, the hospital system and in many other areas. This is simply unacceptable – we are talking about unrealised potential and a great deal of unnecessary suffering. It is surely time to take some real, positive action.

Chief Federal Magistrate Pascoe AO CVO

10 November 2011

¹³ Taylor et al. above n. 9, ix

¹⁴ Dr James Mercy, 'Having New eyes: Viewing Child Sexual Abuse as a Public Health Problem' (1999), *Sexual Abuse: A Journal of Research and Treatment*, 11(4), 317-321