



VICTORIA

SOCIAL WELFARE DEPARTMENT

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LSO:MM

21st August, 1978

Mrs. Yolanda Klempfner,
Co-ordinator of Women's Affairs,
Premier's Department,
1 Treasury Place,
MELBOURNE

Dear Mrs. Klempfner,

Re: Vaginal Examinations of Female Youth at Winlaton

Dr. Eileen Slack has informed me of your request that I write to you in respect to the following question.

"Are Youthful Offenders subjected to vaginal examination and/or questioning on past sexual activity? If so, in what circumstances?"

There are two possible areas where questioning and such an examination may arise:

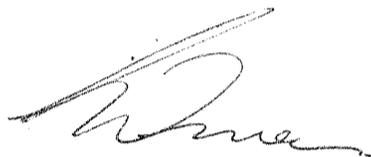
The first is at the point of apprehension by Police in cases where the charge of rape or carnal knowledge is being contemplated against another person. For a charge to proceed it is necessary for penetration to be proven or admitted. The Police regard it as necessary to obtain medical evidence as part of their brief. In these circumstances girls are not questioned by our Staff but they are advised of their rights to refuse examination when a request is received from Police. They would have been questioned by Police in order to be remanded, usually on an application of Exposed to Moral Danger. To date no girl has refused such an examination when it has been requested but further consideration has recently been given to the extent to which such right of refusal is emphasized at the time.

It does appear logical in the light of current social attitudes for police action to be limited to cases of complaint by the girl and parents or where evidence of exploitation exists. As a general rule this appears to occur at present. It would also be worthy to enquire about the extent to which police are directed to enquire about sexual activity in carnal knowledge cases and protection applications. Your enquiry would also need to question the extent to which police are directed by standing orders, standard practice or apparent legal necessity to arrange medical examinations.

The second area concerns young people who have been admitted as Wards of the State or committed on a Youth Training Centre sentence and are undergoing assessment as part of planning for their future. At that time the Institution is in possession of copies of Police Statements and Police evidence presented to the Court and general discussions are taking place with girls concerning their history and wishes for the future. Police evidence often includes specific questioning about sexual activity as it has often been the concern of parents etc., prior to admission. It is also a primary factor in some protection applications e.g. E.M.D. It therefore becomes a factor for consideration in developing future plans but it has long been acknowledged that Staff and Social Workers dealing with this area must exercise sensitivity and discretion. The Institution's policy is to not routinely conduct examinations to detect either pregnancy or venereal diseases. The likelihood of either of these conditions being present, however, is one factor considered by staff and our Classification Committee. It is only an issue when some evidence points toward it.

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The suggestion is then made by either Section Staff or our Medical Sister to the girl that she have such an examination, for the sake of her own health giving appropriate details of whatever circumstance is suspected. In the event of the girl refusing it then becomes a matter for the Classification Committee to decide on the implications (as would a concerned parent) of not undertaking an examination. Usually girls accept the need for appropriate examination and rarely is a girl unnecessarily examined.



L.S. Owen
Superintendent