



42709-03

**BRAVE HEARTS**



MIN: S/03/ 20052

**'Breaking the Silence on Child Sexual Assault'**

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22<sup>nd</sup> January 2003

**Strictly Confidential – Without Prejudice**

The Hon Terry Mackenroth  
 Minister for Sport  
 Deputy Premier  
 Treasurer  
**Fax: 3229 0642** (It is NOT intended to follow by post)

**NOTED BY MINISTER**  
 23 / 1 / 03

Dear Mr MacInroth,

Re: On-going concerns regarding allegations against Mr Scott Volkens

As everyone is aware, Mr. Volkens is an elite technical swimming coach who has achieved great success and in so doing, has won the respect and admiration of the Australian public and the friendship of many powerful and influential identities. As you are also no doubt aware, Mr. Volkens was recently charged with seven (7) counts of inappropriately dealing with minors in Queensland but these charges were later dropped under a cloud of controversy.

It is your government that introduced, to your absolute credit, the 'Working with Children Legislation (Blue Card) to protect children against those who may pose a risk to their safety. The Legislation is to be applauded for providing that; not only those who have convictions but also, potentially those who have been charged and escaped conviction, may be deemed as 'unsuitable' to work with children.

This provision was in recognition of the difficulty, due to the nature of the crime, in obtaining a conviction and the need for Police to still be provided an opportunity to put forward their recommendation with respect to the applicants suitability to work with children. The safety and protection of children is rightly the first priority.

The Legislation means that all persons who begin new jobs after May 2001 must obtain a 'Blue Card'. There-after, any person who is the holder of 'Blue Card' must notify the Commission for Children immediately of any criminal charges laid against them and then resubmit to an updated eligibility test. In this case, all persons of concern are adequately scrutinized by the appropriate authority and the credibility of the Legislation is reinforced. Importantly, our children are protected to the fullest extent possible.

However, in the case of Mr Scott Volkens, it is our understanding that he is not the holder of a 'Blue Card' because he began his employment working with children for the Queensland Academy of Sport and Australian Swimming prior to this date.



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Thus, there is no Legislative requirement for Mr Volkens to submit himself to a 'Working with Children' eligibility test. Instead, it is up to the discretion of the employer, in response to charges of child sexual assault being laid, to direct that Mr Volkens apply to be a holder of a Blue Card. As Minister for Sport ultimately responsible for the operations of the Queensland Academy of Sport, you are that employer.

It is our view, and we are sure it would be supported by the parents of young athletes everywhere, and the athletes themselves, the mere fact a serious complaint was made should be a matter of utmost concern for the Queensland Academy of Sport, so much so in fact, that they would automatically investigate such matters further and direct that Mr Volkens undergo an 'eligibility to work with children test, regardless of the personalities involved or the legislative time frames. This process would be in the best interests of the child and, in our view, would go to satisfy the QAS's duty of care obligations.

It should be noted, that it has not been proven that the incidents did or did not occur nor has a finding of guilty or not guilty been reached. At this point in time, the situation is that the charges have been dropped **but** importantly, it is our understanding that there remains the potential for them to be revisited / re-laid at any time in the future.

While this letter is directed at the Scott Volkens situation, the issue goes further than Scott Volkens since the potential to avoid scrutiny exists for all those who retain consistent employment prior to May 2001 and who avoid conviction - regardless of the reasons and regardless of guilt or innocence. I will forward this letter to the Commission for Children for their consideration when they review the Legislation in May - this year as I understand it - and hope this loophole is addressed.

The allegations against Mr. Volkens, in my opinion, represent a potentially disturbing risk especially given that Mr Volkens still works with young girls under the age of 16. Accordingly, we write to you on this occasion as the Minister ultimately responsible through your advisory Board, for the QAS and therefore, Mr Volkens employer, Minister for Sport and Deputy Premier, to ask that you ensure this potential risk is properly addressed and that Mr Scott Volkens is properly assessed as being a person eligible to work with Queensland children. Given the circumstances, and in his own best interests and those of his squad, Mr Volkens should be in possession of a current Blue Card prior to continuing to work with children in Queensland.

Children everywhere deserve to have confidence that everything that can be done to keep them safe is being done by all those entrusted with their care particularly politicians and people with powerful positions. Parents too deserve to have confidence in the legislation introduced by your government to help protect our kids. If appropriate, Mr Volkens deserves to have this cloud removed from his character and should have no objection to being requested to undergo an assessment. If Scott Volkens fails the assessment then he probably shouldn't be working with children. If he passes and is issued with a 'Blue Card', he deserves to carry on with his coaching with vindication. The general public deserves the reassurance.

Kind Regards,  
  
Hetty Johnston  
Executive Director  
Bravehearts Inc.

SPORT

COMMENTS:  <i>URGENT.</i>	TREASURY DEPT	✓
	DRAFT REPLY	✓
	ACK-MIN	
	ACK-PARL SEC	
	APPT SEC	
	OTHER MIN FOR REPLY DIRECT	
	FOR YOUR INFO	
	COPY TO:	
REPLY DUE DATE:		