

# National Plan to End Violence against Women and Children

Submission

February 2022

# Contents

Background .....	3
Summary of key points .....	4
Children in their own right .....	4
Coercive control .....	6
Children and institutional responses to violence .....	7
Children’s rights lens: looking beyond violence .....	8
Youth participation strategy.....	9

The Queensland Family and Child Commission (QFCC) acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies on which we walk, live and work.

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to their Elders past, present and emerging.

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## Background

The Queensland Family and Child Commission (QFCC) is pleased to provide a submission regarding the draft *National Plan to End Violence against Women and Children 2022-2032* (the National Plan).

The QFCC's purpose is to build awareness of and accountability for the rights, safety and wellbeing of Queensland's children, within the child and family support system and across the Queensland community.

The QFCC supports the aim of the National Plan to support government, Aboriginal and Torres Strait Islander peoples, the child and family sector, and the broader community to work together to make the lives of all Australian women and children safer. Child safety is a shared responsibility.

The National Plan's four pillars – prevention, early intervention, response and recovery – are well placed to deliver on this aim.

It is pleasing to see that the National Plan sets out foundation principles that recognise systemic issues at the core of ongoing violence against women and children. These include gender inequality and the need for an intersectional and evidence-informed approach that considers the complexity and diversity of people's lived experiences.

Children's rights should be at the heart of the National Plan. As a signatory to the United Nations *Convention on the Rights of the Child* (UNCRC), all Australian governments must make sure children are supported to enjoy full access to all their rights. While the National Plan incorporates children's right to safety, to truly succeed it must consider children's rights in full, including rights to culture, education, health care and participation in decisions made about them.

Articles 12 and 13 of the *United Nations Convention on the Right of the Child* holds that young people have the right to have a say in all matters that affect them. The National Plan has no provision for ongoing engagement or consultation strategies with children and young people. Participation in decision-making is a right of all children and young people, not a privilege. Attached to this submission is the model of participation developed by the QFCC to help with ongoing youth engagement.

The National Plan acknowledges children in their own right. However, the focus of the National Plan appears to be on children's status as witnesses of violence, not as victims or perpetrators. Across its actions and targets, the National Plan should consider the needs of children who directly experience our use violence as well as those who have experienced violence within their families.

The National Plan could do more to respond to the findings and recommendations of the 2017 *Royal Commission into Institutional Responses to Child Sexual Abuse*. The National Plan should consider violence perpetrated on children within institutions.

## Summary of key points

- The rights, safety and best interests of children need to be paramount in all policy decisions made in relation to violence against women and children.
- The National Plan needs to consider the full scope of children's rights, providing holistic child-friendly services, to deliver on its aims.
- Children should be recognised by the National Plan as direct victims or perpetrators of violence, not only witnesses to violence perpetrated against others. The targets and measures in the National Plan should directly respond to the needs of children who experience violence.
- The National Plan and subsequent action plans should consider coercive control, while acknowledging the risks of unintended consequences from acting to prevent coercive control, including the risks of abuse of process and the risk that victims are misidentified as perpetrators.
- Systems to protect women and children from violence should be designed in such a way as they do not also become coercive.
- Children need dedicated and accessible services located in places familiar to them.
- Support services need to be funded, available and offer long-term safety for women and children.
- The National Plan should involve ongoing engagement with children and young people, whose views should be taken into account in the design and implementation of responses. Participation in decision-making is a right of all children and young people, not a privilege.

## Children in their own right


The National Plan recognises children in their own right<sup>1</sup> as well as their unique experiences of violence, however this sentiment is not adequately represented in the actions. These are circuitously addressed via the *Safe & Supported: the National Framework for Protecting Australia's Children 2021 – 2031* strategy, which does little to support children outside family relationships. Child sexual abuse is addressed through the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030*, a strategy implemented following a recommendation from the Royal Commission into Institutional Responses to Child Sexual Abuse.

To address the drivers of violence against children, the National Plan needs to provide a vision that acknowledges and supports children as victims, independent of families, and provide child-focused solutions and processes as well as family-centric specialist services. The current draft offers no clear pathways for targeted information sharing or help-seeking services specifically aimed at children without adults to act as a conduit.

Clear identification of children as victim-survivors of domestic and family violence in their own right will help identify gaps in the current system and improve it for children and young people. Children require unique responses, including provisions for safe and secure housing across the spectrum of crisis to long-term support.

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<sup>1</sup> Department of Social Services, Australian Government (2022). *National Plan to End Violence against Women and Children 2022-2032*, p. 13. Accessed 16 February 2022 [Draft National Plan to End Violence against Women and Children 2022-2032 | engage.dss.gov.au](https://engage.dss.gov.au)



Despite acknowledging children as stakeholders, the impact of exposure to violence on children is currently not fully considered in measures and indicators in the current draft. For example, the measures and indicators outlined do not disaggregate children as victims of family and domestic violence homicide. The needs of children as victims, survivors and perpetrators should be a distinct consideration in the National Plan.

## The impact of violence on children

A child living through violence can acquire life-long trauma, including, but not limited to, anxiety, depression, and learning difficulties. Childhood is a time of a rapid brain development, when young children are learning constantly through their experiences and interactions. Without thoughtful consideration of the links between violence against women and children, followed by an appropriate and targeted responses to address childhood trauma, there is an increased likelihood that young victims will come in contact with child protection and youth justice systems.

Children experiencing vulnerability need focused and active support across the broad child and family support system, including disability, early childhood education and care, health and mental health, drug and alcohol, domestic and family violence, justice, housing and employment service systems.

The impact of violence on children can be severe and, in the most tragic cases, can be seen in reporting relating to the deaths of children.


Queensland's Child Death Review Board (CDRB) carries out systems reviews following the deaths of children known to the child protection system. The CDRB uses agency review reports, data, research and expertise to identify the changes needed to improve the child protection system and help prevent avoidable child deaths in the future.

Between July 2020 to November 2021, the CDRB considered the deaths of 81 children. Domestic and family violence was identified in 70 per cent per cent of cases and in over 50 per cent of cases there was evidence of DFV in the 12 months prior to the child's death.<sup>2</sup> Overall, a lack of DFV-informed practice across professionals was a recurring theme in these cases. From the information available for this review, emerging issues have been identified for consideration by the CDRB:

- the appropriateness and suitability of DFV supports and interventions (including tertiary and secondary responses) to hold perpetrators accountable and support victims given the high rates of service non-engagement, particularly noting no evidence was found of perpetrators engaging in the programs they were referred to
- strengthening system-wide recognition and responses to lethality indicators and risk factors, noting that the majority of cases reviewed involved three or more lethality indicators
- lack of staff skills and capability to recognise and respond to DFV including professionals taking non-disclosure from a child as an indicator they had not been harmed.

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<sup>2</sup> Caution: Numbers, particularly when disaggregated in any way, are small and may change year-to-year. Any observations are made on the numbers available and are only indicative of potential issues in a small sample size. No significance testing has been undertaken. The Queensland Family and Child Commission's *Annual Report: Deaths of children and young people, Queensland* is the official statistical report on the deaths of all children in Queensland.



In addition, the Queensland *Domestic Family Violence Death Review and Advisory Board 2018-19 Annual Report* states that ‘between 2006-07 and 2018-19, there were 74 homicides in a family relationship involving children aged 17 years and younger. This represented 23.1 per cent of all domestic and family homicides’.<sup>3</sup>

Outside of cases where children have died, the Australian Institute for Health and Welfare reports that, in the 2018 calendar year, children aged 14 years and under were victims of sexual assault at a higher rate – 167.6 per 100,000 children – than people aged over 15 years.<sup>4</sup>

Violence has a significant impact on children as distinct victims and survivors, and their unique needs must be considered in the development and implementation of strategies and actions to end violence.

## Coercive control

In addition to more overt violence, domestic family violence can be used as a weapon of control by a perpetrator. Where coercive and controlling behaviours are used as a means of violence, the impact on children can be less visible, but can affect a child’s self-worth and lead to emotional and behavioural problems<sup>5</sup> increasing their risk of contact with child protection and youth justice systems.

For this reason, the National Plan and action plans should consider ways to reduce the risks of harm from coercive control, including the risks to children. In 2021, the Queensland Women’s Safety and Justice Taskforce released *Hear her voice: addressing coercive control and domestic and family violence in Queensland*.<sup>6</sup> This report makes findings not only about the harm of coercive control, but also the risks of unintended consequences from criminalising coercive control. The report heard evidence that women are being misidentified as perpetrators of domestic and family violence, because police and other service providers are examining individual incidents rather than taking a holistic view. Responses to coercive control need to consider these complex issues, providing services that respond to the needs of families and communities while mitigating any risk of criminalising victims and survivors of violence.

Children can be harmed by coercive control in similar ways to their victim-parent. For example, children can be isolated from their extended family, degraded with put downs, excessively monitored, humiliated and threatened or suffer from financial abuses by a parent.<sup>7</sup>

UK-based domestic violence researcher Emma Katz describes coercive controlling behaviour as a ‘campaign’ that takes priority over everything including the safety wellbeing and health of their children. As a direct result of the father’s coercive controlling behaviours, children miss out on normal childhood experiences in their daily lives. She states, ‘living in the same isolated and lonely world as their mum causes children distress and the loss of the ability to have fun and enjoy life.’<sup>8</sup>

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<sup>3</sup> Domestic Family Violence Death Review and Advisory Board 2019, *2018-19 Annual Report*, p. 33. Accessed 18 February 2022 [Domestic and Family Violence Death Review and Advisory Board Annual Report 2018-19 \(courts.qld.gov.au\)](https://courts.qld.gov.au/publications/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2018-19).


<sup>4</sup> Australian Institute of Health and Welfare 2020, *Sexual Assault in Australia*, p.11, [Sexual assault in Australia \(aihw.gov.au\)](https://www.aihw.gov.au/publications/sexual-assault-in-australia), accessed 21 February 2022.

<sup>5</sup> Katz, E. (2016), in *Domestic and Family Violence Death Review and Advisory Board 2017, 2016-17 Annual Report* p. 58. Accessed 23 June 2021 [Domestic and Family Violence Death Review and Advisory Board - Annual Report 2016-2017 \(courts.qld.gov.au\)](https://courts.qld.gov.au/publications/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2016-2017)

<sup>6</sup> Women’s Safety and Justice Taskforce (2021), *Hear her voice report one: addressing coercive control and domestic and family violence in Queensland*, [Publications | Women's Safety and Justice Taskforce \(womenstaskforce.qld.gov.au\)](https://www.womenstaskforce.qld.gov.au/publications/hear-her-voice-report-one), accessed 23 February 2022.

<sup>7</sup> Women’s safety and justice taskforce 2021, Discussion Paper 1: Options for legislating against coercive control and the creation of a standalone domestic violence offence. [https://www.womenstaskforce.qld.gov.au/publications](https://www.womenstaskforce.qld.gov.au/publications/discussion-paper-1)

<sup>8</sup> Safe and Together Institute 2021, Partnered with a Survivor [podcast] Season 2 Episode 12: *How coercive control harms child safety & wellbeing: An interview with researcher Dr. Emma Katz* [https://safeandtogetherinstitute.com/season-2-](https://safeandtogetherinstitute.com/season-2-episode-12)



Children can also be drawn into the abuse of another by the perpetrator dividing the child's loyalties or using a child to monitor the other parent, usually the mother.<sup>9</sup> A study into intimate partner violence involving children found the use of a mother's children 'takes advantage of and uses her identity and role as a caregiver, relationship with her children, and drive to protect and nurture her children as a way to victimise her'.<sup>10</sup>

Perpetrators use 'abuse of processes' in the course of DFV-related proceedings as a tactic to gain an advantage over, harass, intimidate, discredit, or otherwise control DFV victims as a means of asserting control. The Queensland Domestic and Family Violence Death Review and Advisory Board (QDFVDRAB) found the role of protective systems may 'unintentionally facilitate coercive controlling behaviours which trivialise or silence a victim's experiences of abuse or dissuade [attempts to seek help]'.<sup>11</sup>

Examples of abuse of process can include making allegations against the victim to police and taking out a protection order. Where a protection order is in place, examples can include threatening to call, or calling the police, to make a complaint and discredit the victim in the eyes of the police.

Coercion is not only a problem in household settings. Contact with statutory systems also involves coercion that can lead to adverse outcomes for women and children. The family law system, courts, child support, Centrelink and the rental tribunal can all become weapons in the 'armoury' of the perpetrator, that become dangerous for a woman and her children when she has chosen to leave. With little effort from a perpetrator, these systems can be used to take away a woman's right to end the abuse for herself and her children.

Responses need to consider how to provide services and supports to women and children that do not risk placing them in even more coercive situations. These services also need to be funded adequately to respond to the needs of children who directly experience violence, who may need targeted and specialised responses different to those provided to adults.

## Children and institutional responses to violence

Children are particularly exposed to the risk of violence in institutional settings. To reduce risks in these environments, the 2017 *Royal Commission into Institutional Responses to Child Sexual Abuse* provided a series of recommendations on child safety standards which included provision of tailored and targeted initiatives to reach, engage and provide access to children, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, people with disability, and regional and remote communities.<sup>12</sup>

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[episode-12-how-coercive-control-harms-child-safety-wellbeing-an-interview-with-researcher-dr-emma-katz/?utm\\_campaign=PwS&utm\\_medium=email&\\_hsmi=137098737&\\_hsenc=p2ANqtz-SDKQraMiTsXiipIDLdZDjqnmS5Tms-ggiA5B11u8rO-UydNpgrK3h16yXXuURXsT-rD8Fshg\\_5MXYFZ9CTlulYpkvgjl7suvWjK7JPJLFpSOXKuY&utm\\_content=137100400&utm\\_source=hs\\_email](https://www.proquest.com.grailproxy.slg.qld.gov.au/docview/1774126205?OpenUrlRefId=info:xri/sid:primo&accountid=13378)

<sup>9</sup> Battered Women's Justice Project 2015, *Practice Guides for Family Court Decision-Making in Domestic Abuse-Related Child Custody Matters* accessed 21 June 2021 <https://www.bwjp.org/assets/documents/pdfs/practice-guides-for-family-court-decision-making-ind.pdf>

<sup>10</sup> Ahlfs-Dunn, S., and Huth-Bocks, A. 2016, Intimate partner violence involving children and the parenting role: associations with maternal outcomes. *Journal of Family Violence* V31(1), p.388 accessed 22 June 2021 [https://www.proquest-com.grailproxy.slg.qld.gov.au/docview/1774126205?OpenUrlRefId=info:xri/sid:primo&accountid=13378](https://www.proquest.com.grailproxy.slg.qld.gov.au/docview/1774126205?OpenUrlRefId=info:xri/sid:primo&accountid=13378)

<sup>11</sup> *Domestic and Family Violence Death Review and Advisory Board 2017, 2016-17 Annual Report* p. 58, accessed 23 June [https://www.courts.qld.gov.au/\\_data/assets/pdf\\_file/0003/541947/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2016-17.pdf](https://www.courts.qld.gov.au/_data/assets/pdf_file/0003/541947/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2016-17.pdf)

<sup>12</sup> 'Final Report Recommendations', *Royal Commission into Institutional Responses to Child Sexual Abuse* (2017). Accessed on 18 February 2022 [Final Report - Recommendations \(childabuseroyalcommission.gov.au\)](https://www.childabuseroyalcommission.gov.au)



Institutional settings amplify vulnerability and can encourage abuse of authority which can lead to increased exposure to violence. The QFCC's *Death of Children and Young People Annual Report 2020-21* found that in the 2020-21 financial year, 53 of the 398 young people who died had been known to Child Safety in the 12 months before their deaths. Children known to Child Safety have a mortality rate almost twice as high as other children. Additionally, seven out of 10 children identified as Aboriginal and/or Torres Strait Islander.<sup>13</sup>

The QDFVDRAB has also reported on 'numerous cases where young children were exposed to domestic and family violence in childhood, and later went on to suicide in adolescence or adulthood'.<sup>14</sup> Responses for children and young people need to take into account the impact of long-term exposure to trauma, providing support to prevent such tragic outcomes.

Between 2016 and 2021, on average 14 per cent of children who died were known to Child Safety, approximately every seventh child death registered. Strategies to support children should recognise the intersectionality between domestic and family violence services and the statutory child protection and youth justice systems. For this reason, the National Plan and following action plans should consider actions to reduce the risk of violence in institutional settings, in line with the recommendations of the Royal Commission.

## Children's rights lens: looking beyond violence

While the National Plan acknowledges the UNCRC, it draws attention only to articles related to violence and safety (article 19, the right to protection from violence; article 34, protection from sexual abuse). In order to fully protect children from violence and support children who have experienced violence, the National Plan should consider the need for governments to secure every right guaranteed to children, including, but not limited to:

- non-discrimination (Art. 2)
- action in the best interest of a child (Art. 3)
- access to education (Arts. 28 and 29)
- access to health care (Art. 24)
- respect for children's views (Arts. 12 and 13)
- right of access to information (Art. 17).<sup>15</sup>

To deliver across the National Pillars and provide appropriate trauma-informed response and recovery, governments need to involve children and young people in the strategic development, design, implementation and evaluation of the proposed initiatives.

Children are directly harmed by violence, including domestic and family violence. In the period 2004-2019, domestic and family violence was identified as a vulnerability factor in 29.1% of child deaths from suicide and 57.7% of child deaths from assault and neglect.<sup>16</sup>

In addition, children are also represented, tragically, in deaths by suicide each year. The QFCC's *Death of Children and Young People Annual Report 2020-21* shows, of the 86 children who died from external causes in 2020-21, 30

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<sup>13</sup> Queensland Family and Child Commission (2021), *Death of Children and Young People Annual Report 2020-21*, p. 7. Accessed on 18 February 2022 <https://documents.parliament.qld.gov.au/tp/2022/5722T41-FA1A.pdf>

<sup>14</sup> Domestic and Family Violence Death Review and Advisory Board 2020, 2019-20 Annual Report p. 31, accessed 07 July 2021 [https://www.courts.qld.gov.au/\\_data/assets/pdf\\_file/0008/663632/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2019-20.pdf](https://www.courts.qld.gov.au/_data/assets/pdf_file/0008/663632/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2019-20.pdf), p. 59.

<sup>15</sup> UNICEF. *United Nations Convention on the Rights of the Child*. Accessed on 18 February 2022 [convention-rights-child-text-child-friendly-version.pdf \(unicef.org\)](https://www.unicef.org/child-friendly-version)

<sup>16</sup> Queensland Family and Child Commission (2020). *Counting lives, changing patterns: Findings from the Queensland Child Death Register 2004-2019*, p. 46. Accessed 21 February 2022 [QFCC 16 Year Review -Web Version.pdf](https://www.qfcc.qld.gov.au/16-year-review-web-version.pdf).





died by suicide.<sup>17</sup> Aboriginal and Torres Strait Islander children were over-represented in cases reviewed by the Child Death Review Board in 2020-21, making up 23 out of 55 the cases considered (42%) and half of the suicides (3 out of 6).<sup>18</sup>

In Queensland, suicide is the leading cause for 15–17 year-olds and second leading cause for 10–14 year-olds.<sup>19</sup> Deaths from suicide have increased, from 1.7 per 100,000 aged 0–17 years in 2004–09 to 2.3 per 100,000 in 2016–21 (up 2.4% per year on average).<sup>20</sup> Nationally, suicide is a leading cause of death in children in Australians aged 7-17 years.<sup>21</sup>

Trauma-informed, culturally appropriate responses for children must be delivered differently to those offered to adults, due to children’s developing cognitive abilities. The unique needs of children must be recognised and integrated into the service design and implementation process.

It is fundamental that the National Plan recognises challenges across systems and focus on providing tangible, actionable and responsive child protection and mental health supports that address the needs of highly vulnerable children.

Strategies and actions should deliver equitable access to quality universal, targeted and specialist supports for children and young people impacted by violence, available whatever their gender, cultural background, location and community, socioeconomic status, age or ability.

The National Plan acknowledges the connections between, and impact of, social and economic disadvantage, racism, dispossession and violence, and their ongoing impact on Aboriginal and Torres Strait Islander peoples and communities.<sup>22</sup> In response, it calls for culturally appropriate, community-led solutions that recognise truth-telling. This speaks to the importance of adequately funding and delegating responsibility to Aboriginal and Torres Strait Islander organisations – supporting cultural safety in mainstream organisations is not enough to support Aboriginal and Torres Strait Islander people.

## Youth participation

Under article 12 of the UNCRC, children have a right to participate in development of strategies and decisions that affect them, and their opinions must be taken seriously. In Queensland, the *Human Rights Act 2019* further guarantees the right of every person to take part in public life without discrimination.

In its present form, the National Plan does not make provisions for ongoing engagement or consultation strategies with children and young people.

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<sup>17</sup> QFCC (2021), *Death of Children and Young People Annual Report 2020-21*, p. 4. Accessed on 18 February 2022 <https://documents.parliament.qld.gov.au/tp/2022/5722T41-FA1A.pdf>


<sup>18</sup> *Child Death Review Board Annual Report 2020-21*, pp. 24, 29. Accessed on 18 February 2022 <https://documents.parliament.qld.gov.au/tp/2022/5722T39-FCC2.PDF>

<sup>19</sup> QFCC (2021), *Death of Children and Young People Annual Report 2020-21*, p. 11. Accessed on 18 February 2022 <https://documents.parliament.qld.gov.au/tp/2022/5722T41-FA1A.pdf>

<sup>20</sup> *Ibid.*, p. 9.

<sup>21</sup> *Child Death Review Board Annual Report 2020-21*, p. 29. Accessed on 18 February 2022 <https://documents.parliament.qld.gov.au/tp/2022/5722T39-FCC2.PDF>

<sup>22</sup> Department of Social Services, Australian Government (2022). *National Plan to End Violence against Women and Children 2022-2032*, p. 42. Accessed 16 February 2022 <https://engage.dss.gov.au/draft-national-plan-to-end-violence-against-women-and-children-2022-2032/>



Strong youth participation involves actively and continuously involving young people in decision-making processes. Inclusive and meaningful youth participation is fundamental to the design and delivery of services that meet young people's needs.

Youth participation requires organisations to genuinely connect with young people, support them to share their views, amplify their statements and make sure their views influence decision-making.

The QFCC emphasises the importance of ongoing consultation and co-design with Aboriginal and Torres Strait Islander communities, alongside targeted child and youth participation. This consultation and co-design should continue throughout the life of the National Plan, to make sure the plan and associated actions continue to meet the needs of the children and communities impacted by the systems that seek to support them.

The QFCC has developed the *Model of Child and Youth Participation* (attached to the submission), which has been designed to explain how child and youth participation can be delivered effectively.<sup>23</sup>

It involves the combination of two approaches and four key elements:

- **engagement** with young people, which involves proactively seeking out opportunities to *connect* with them and providing appropriate *support* to help them express their views in meaningful ways.
- **advocacy** for the views of young people, which involves taking steps to *amplify* what they say and ensuring their views *influence* decision-making.<sup>24</sup>

To give full expression to young people's right to participate, governments implementing the National Plan should provide meaningful avenues to have young people's voices heard and included in the process of making decisions and delivering responses.

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<sup>23</sup> Queensland Family and Child Commission (2020). *Model of Participation*. Accessed 18 February 2022  
[QFCC ModelofParticipation Final 0.pdf](#)

<sup>24</sup> *Ibid.*, p. 2.