



FINAL SITTING OPENING ADDRESS

The Hon. Justice Peter McClellan AM

Chair, Royal Commission into Institutional Responses to Child Sexual Abuse

On 12 November 2012 Prime Minister Julia Gillard announced the creation of The Royal Commission into Institutional Responses to Child Sexual Abuse. It was to be a national commission held jointly with each of the States and Territories. The announcement was supported by the Hon Tony Abbott who was then the leader of the opposition in the Australian Parliament.

On 11 January the following year the Prime Minister announced that the Governor-General had agreed to establish the Royal Commission and the Letters Patent were issued.

On that occasion the Prime Minister said that she “believed our nation needs to have this Royal Commission. Child sexual abuse is a hideous, shocking and vile crime. And it is clear from what is already in the public domain that too many children were the subject of child sexual abuse in institutions. That they've had to live with the trauma of that child sexual abuse for the rest of their lives; that they weren't provided with a safe childhood and a safe place to be. And that too many adults who could've assisted them turned a blind eye so that they didn't get the help that they needed.”

The Prime Minister spoke of her hope that the Royal Commission will bring about the systemic change that people have been wanting for such a long time. She spoke of their need for redress and support and for some the need for treatment. She also anticipated that, although initially the Royal Commission would be required to report within three years the end date could be extended if necessary.

Finally the Prime Minister emphasised the potential for the Royal Commission to make sure that the terrible wrongs that have been done in the past to children in our country, to the greatest extent, never happen again.

The Royal Commission held its opening sitting in Melbourne on 3 April 2013. On that occasion I spoke of the intention of the government to seek an amendment of the Royal Commission Acts to enable the Royal Commission to receive the personal stories of individuals in what have become known as private sessions. As the government anticipated private sessions have been one of the fundamental tasks of the Royal Commission. On that day we also opened our telephone call centre to enable survivors to make contact with us to report allegations of sexual abuse in an institutional context and make arrangements to attend a private session.

In all more than 15000 people who we have confirmed to be within our terms of reference have contacted the Royal Commission.

Just over 8000 people have come and spoken with a Commissioner in a private session. For many of those people it has been the first time they have told their story. Most have never been to the police or any person in authority to report the abuse. More than 2500 allegations have been reported by the Royal Commission to the police. Many of these matters came to our attention in a private session. So far 230 prosecutions have been commenced. Although hundreds of matters are at different stages of investigation throughout Australia, it is inevitable that some alleged offenders will have already died. In addition to private sessions, more than 1300 survivors have provided us with a written account of their experiences. We have also heard from parents, spouses and siblings about allegations of the abuse of their relatives, many of whom have died, sometimes through suicide.

For victims and survivors, telling their stories has required great courage and determination. Most are stories of personal trauma and many are of personal tragedy. It is impossible not to share the anger many survivors have felt when they tell us of their betrayal by people they believed they were entitled to trust.

For many survivors talking about past events required them to revisit traumatic experiences that profoundly harmed them. Many spoke of having their innocence stolen, their childhood lost, their education and prospective career taken from them and their personal relationships damaged. For many sexual abuse is a trauma they can never escape. It can affect every aspect of their lives.

We also witnessed extraordinary determination and resilience. We spoke with many people who, with professional help and the support of others, have taken significant steps toward recovery.

The Commissioners thank each of the survivors who told us their story. They have had a profound impact on the Commissioners and our staff. Without them we could not have done our work. Each survivor's story is important to us. Their stories have helped us to identify what should be done to make institutions safer for children in the future. It has been a privilege for the Commissioners to sit with and listen to survivors. The survivors are remarkable people with a common concern to do what they can to ensure that other children are not abused. They deserve our nation's thanks.

Many survivors have been assisted by organisations whose purpose is to support them and advocate on their behalf. Early in our work we met with the leaders of these groups and we continued to work with them throughout the Royal Commission. They helped us to develop an appropriate private sessions process and worked with our counsellors to ensure the wellbeing of all survivors we heard from. Supporters and advocates assisted in the preparation of written accounts, attended as support persons in private sessions and assisted witnesses in our public hearings. They have our great respect for the remarkable work they do, often with limited resources.

The Royal Commission conducted a total of 57 case studies, resulting in 44 separate reports to government. Because of ongoing criminal investigations and prosecutions, we have recommended that our case study reports, concerning Catholic Church authorities in Ballarat and Melbourne and some events in New South Wales and the Anglican Diocese of Newcastle, should be suppressed in whole or in part until the criminal process has been

concluded. Although I know this will be disappointing to some people it is important that nothing should occur that might compromise any criminal proceedings.

To gain an understanding of past events and develop recommendations to bring effective change across a broad range of complex issues we needed the cooperation of many people and institutions. Although this was not always the case, many institutions and government agencies accepted that they had failed and engaged constructively with us in discussions about how they should change. The Commissioners thank the governments and all of the institutions and individuals who participated in our various consultation processes, including our many roundtables, that have assisted in developing our recommendations.

We also thank the media organisations for their interest in and comprehensive reporting of the Royal Commission's work. Many media outlets provided extensive coverage. The ABC reported every case study on television, radio and online almost every sitting day.

The work of the Royal Commission in many areas was led by Ms Gail Furness SC, Senior Counsel Assisting. Together with a number of other counsel, she was responsible for the multiple forensic tasks required of the Royal Commission. However, her contribution to the inquiry extended well beyond those tasks. She played a significant role in the development of our recommended policy responses in many areas.

More than 680 people worked for the Royal Commission during its life, across the varied range of our activities. The Commissioners thank each of them. Although the work was stressful and often confronting, they came to the Royal Commission intent on seeing change to improve the safety of children and a just response for survivors.

A number of aspects of our work were unique, particularly our engagement with survivors and the wider community. Our research and policy development covered a broad range of issues. Our public hearings required intense and comprehensive preparation. The development of our conclusions, recommendations and reports involved input from staff across the organisation. Our senior management team, together with the Chief Executives, ensured that the Royal Commission completed our task in a timely manner and within

budget. We are particularly appreciative of the contribution of Chief Executive Mr Philip Reed to the Royal Commission's effective operation.

More than 4000 individual institutions have been reported to us as places where abuse has occurred. While some institutions have ceased to operate, others continue to be actively engaged with children and young people. The most effective use of our resources, and the risk of prejudicing criminal investigations or prosecutions meant that we could not publically examine or report on many institutions in which survivors told us they had been sexually abused and that the response to their allegations was inadequate.

The failure to protect children has not been limited to institutions providing services to children. Some of our most important state instrumentalities have failed. Police often refused to believe children. They refused to investigate their complaints of abuse. Many children who had attempted to escape abuse were returned to unsafe institutions by police. Child protection agencies did not listen to children. They did not act on their concerns, leaving them in situations of danger. Our criminal justice system has created many barriers to the successful prosecution of alleged perpetrators. Investigation processes were inadequate and criminal procedures were inappropriate. Our civil law placed impossible barriers on survivors bringing claims against individual abusers and institutions.

Many institutions we examined did not have a culture where the best interests of children were the priority. Some leaders did not take responsibility for their institution's failure to protect children. Some leaders felt their primary responsibility was to protect the institution's reputation, and the accused person. Many did not recognise the impact this had on children. Poor practices, inadequate governance structures, failures to record and report complaints, or understating the seriousness of complaints, have been frequent. The greatest number of alleged perpetrators and abused children, in Church managed facilities that we are aware of, were in Roman Catholic institutions. In many religious institutions, in particular but not only the Catholic Church, the power afforded to people in religious ministry and the misplaced trust of parents combined with aspects of the culture, practices and attitudes within the institutions to create risks for children. Alleged perpetrators were often allowed to have access to children even when religious leaders

knew they posed a danger. Alleged perpetrators were often transferred to another location where they had access to children but were never reported to police.

It was obvious to the Commissioners early on in our work that in many institutions there were structural and cultural problems which had allowed and in some cases facilitated the sexual abuse of children. Some of those problems had the consequence that, when the abuse was brought to the notice of the institution, the response was inadequate and in many cases unjust. It may have been because of the exalted role of the abuser, the desire to protect the reputation of the institution or just to protect an abuser who was also a friend. In some cases, the aggressive hand of the lawyer was engaged, ensuring that an appropriate and just response to a survivor was impossible.

The sexual abuse of children is not just a problem from the past. Child sexual abuse in institutions continues today. We were told of many cases of abuse that occurred in the last 10 to 15 years in a range of institutions, including schools, religious institutions, foster and kinship care, respite care, health and allied services, performing arts institutions, childcare centres and youth groups. We heard in private sessions from children as young as seven years of age who told us they had been recently abused. In some case studies into schools the alleged abuse was so recent that the children are still attending school.

The conjunction of events which the Royal Commission has examined can only be described as a national tragedy. Across many decades many institutions failed our children. Our child protection, criminal and civil justice systems let them down. Although the primary responsibility for the sexual abuse of a child lies with the abuser and the institution of which they were part, we cannot avoid the conclusion that the problems faced by many people who have been abused are the responsibility of our entire society. Society's values and the mechanisms which were available to regulate and control aberrant behaviour failed.

You may be aware that the Royal Commission has already provided three policy reports to government. Working with Children Checks, Civil Litigation and Redress, and Criminal Justice. The final report, which will be given to the Governor-General tomorrow, apart from detailing our conclusions and recommendations, will cover a broad range of issues relating to both government and institutions.

There may be leaders and members of some institutions who resent the intrusion of the Royal Commission into their affairs. However, if the problems we have identified are to be adequately addressed, changes must be made. There must be changes in the culture, structure and governance practices of many institutions.

The Royal Commission has been concerned with the sexual abuse of children within institutions. It is important to remember that, notwithstanding the problems we have identified, the number of children who are sexually abused in familial or other circumstances far exceeds those who are abused in institutions.

The sexual abuse of any child is intolerable in a civilised society. It is the responsibility of our entire community to acknowledge that children are being abused. We must each resolve that we should do what we can to protect them. The tragic impact of abuse for individuals and through them our entire society demands nothing less.

There is one final act that we must perform today. Every person who attended a private session was invited to send to us a short written message. Strictly anonymous, they were told that their message, which we have called a Message to Australia, would be bound in a large book which will carry that name. The National Library of Australia has kindly accepted the role of custodian of the Message to Australia Book. I am going to ask Counsel Assisting the Commission Gail Furness SC to explain a little more of the context of the Book.

Unfortunately the Director-General of the National Library could not join us today but the NSW State Librarian & Chief Executive Dr John Vallance is with us to receive the Book and speak on behalf of Dr Marie-Louise Ayers, the Director-General of the National Library.