



**PUBLIC HEARING INTO THE NATURE, CAUSE AND IMPACT OF CHILD SEXUAL
ABUSE**

Case Study 57

The Hon Justice Peter McClellan AM

Chair, Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission commenced its work in early 2013. After taking the necessary preparatory steps, including initiating private sessions, we held our first case study hearing in Sydney in September 2013. Today we commence our last case study hearing.

In my opening remarks at the September 2013 hearing I said that although it was well known that the sexual abuse of children had been widespread in the Australian community, the full range of institutions in which it had occurred was not generally understood. I also said that the character and effectiveness of the response to allegations of abuse within institutions had not generally been exposed.

The information we have now gathered through private sessions and other means has identified more than 4,000 institutions where the abuse of children is alleged to have occurred.

It is remarkable that failures have occurred in so many institutions. It is now apparent that many of the characteristics of failure within institutions are common, although there are sometimes significant individual characteristics.

The information we have received would justify a public hearing with respect to a number of the 4,000 institutions. However, there are a number of reasons why this is not possible.

The resources which must be dedicated to the investigation of an institution and the preparation for a public hearing are extensive. In the course of our investigations we have served notice for the compulsory production of more than 1.2 million documents. From the documents produced relevant material must be extracted and organised so that an accurate and comprehensive account can be given of the conduct of people within the institution. Witness statements must be taken. This can be a complex and time consuming task.

Apart from the resources required to conduct a public hearing our terms of reference, rightly, do not require us to publicly investigate issues which have been examined by other inquiries. We must also ensure that any hearing does not trespass upon the fair trial of an individual who has been accused of abusing a child.

Apart from our work in the investigation and conduct of public hearings the Commissioners are required to conduct private sessions throughout Australia. As of today we have conducted more than 6,500 private sessions. But nearly 2,000 people remain awaiting their session. The Commission's schedule will ensure that each of these persons has a private session. Some may take place close to our finishing date in the second week of December this year.

Obviously private sessions place demands on Commissioners' time which limit our ability to conduct public hearings

When the Commission was initiated our terms of reference provided that we should complete our task within three years. We soon realised that this would

not be possible and in our interim report in 2014, we recommended to government that our term be extended for another two years. This was done.

Although it was apparent that we could never conduct a hearing in relation to every institution about which we had information we were satisfied that with the additional two years we would be able to publically examine the various types of institutions where abuse had occurred. We would also be able to ensure that at least one inquiry was conducted in every State and Territory.

We have also reflected in our choice of institutions the number of persons who have come to a private session from a particular institution or institutional type.

We have now conducted hearings into both public and private schools, detention centres, out of home care, churches, orphanages and government bodies. We have also inquired into defence establishments, sporting clubs, after school care, dance and performing arts academies, institutions providing services for children with disability, scouts, health care providers, and a yoga ashram. We have also held public hearings into criminal justice. We have sat in every capital city and some regional centres. By the conclusion of this hearing we will have sat for 400 days in public. We will have heard evidence from more than 1,200 witnesses.

I appreciate that there are likely to be many people who are disappointed that we have not conducted a public hearing into the institution in which they were abused. As I have previously explained there will be different reasons why a particular institution may not have been examined. It may be that criminal proceedings are underway and a public hearing by the Commission could prejudice a fair trial. It may also be that the documentary trail is inadequate to enable us to ascertain the institutions response to the problems.

Apart from these matters our terms of reference require us to focus on systemic issues. In selecting the institutions to examine in a public hearing we have endeavoured to ensure that the hearing will enable us to explore and provide recommendations which respond to those issues.

The Royal Commission has now delivered 33 case study reports to government. A further eight are in the course of preparation. We have also delivered final reports with respect to Working With Children Checks and redress and civil litigation. A significant report in relation to the criminal justice system is presently programmed to be delivered to government in August this year. We have consulted with many people both informally and through a program of issues papers and roundtables.

We have also commissioned and published 44 research reports across a broad range of issues relevant to the Commission's work. Apart from the expertise held within the Commission this has enabled us to draw upon the learning of national and international experts across many disciplines. Our research is unprecedented in its scale and we hope it will be part of the continuing legacy of the Royal Commission.

When the Commissioners advised the government that they were seeking an extended term we indicated that we believed this would enable us to gather sufficient information to give the Commissioners, the public, and relevant institutions an understanding of how institutions failed. I believe this has been achieved.

Apart from our public hearings and private sessions the Commissioners are now, and will for some months be, engaged with our many dedicated staff in preparing the final report which will include comprehensive recommendations designed to better protect children in the future.

After this year the community's resources, both government and institutional, should be focused on providing effective redress and implementing regulatory and other changes designed to ensure that so far as possible no child is abused in an institutional context in the future. Survivors have waited too long for an effective response to their suffering and the future protection of Australian children must be given the highest priority. These objectives can only be fully achieved following the delivery of our final report. That report will be delivered to the Governor General on 15 December this year.