

FINAL REPORT

Our inquiry



Royal Commission
into Institutional Responses
to Child Sexual Abuse

VOLUME 1

ISBN 978-1-925622-49-2

© Commonwealth of Australia 2017

All material presented in this publication is provided under a Creative Commons Attribution 4.0 Australia licence (www.creativecommons.org/licenses).

For the avoidance of doubt, this means this licence only applies to material as set out in this document.



The details of the relevant licence conditions are available on the Creative Commons website as is the full legal code for the CC BY 4.0 AU licence (www.creativecommons.org/licenses).

[Contact us](#)

Enquiries regarding the licence and any use of this document are welcome at:

Attorney-General's Department
3-5 National Circuit
Barton, ACT 2600

Email: copyright@ag.gov.au

FINAL REPORT

Volume 1
Our inquiry



Royal Commission
into Institutional Responses
to Child Sexual Abuse

15 December 2017

His Excellency General the Honourable Sir Peter Cosgrove AK MC (Retd)
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency

In accordance with the Letters Patent issued on 11 January 2013 and Amendment to the Letters Patent issued on 13 November 2014, we have the honour to present to you the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse. It consists of a Preface and Executive Summary and 17 volumes. We have previously submitted to you the Working With Children Checks report (August 2015), the Redress and Civil Litigation report (September 2015) and the Criminal Justice report (August 2017).

During the course of our inquiry various prosecutions commenced against a number of people the subject of our investigation. Our Terms of Reference require that our inquiry not prejudice current or future criminal or civil proceedings. Consequently, we provide two versions of the Final Report, one of which contains appropriate redactions.

We recommend that the redacted version of our Final Report be tabled and published. We further recommend that relevant parts of our Final Report be published in unredacted form at the conclusion of criminal proceedings which may be relevant to that part of the report.

We are also submitting this report in both its unredacted and redacted versions to their Excellencies the Governors of New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania, and to the Chief Ministers of the Northern Territory and Australian Capital Territory.

We also return herewith the Letters Patent.

Yours sincerely

The Hon. Justice Peter McClellan AM, Chair

Commissioner Robert Fitzgerald AM

The Hon. Justice Jennifer Coate

Commissioner Helen Milroy

Commissioner Bob Atkinson AO APM

Commissioner Andrew Murray

Content warning

This volume contains information about child sexual abuse that may be distressing. We also wish to advise Aboriginal and Torres Strait Islander readers that information in this volume may have been provided by or refer to Aboriginal and Torres Strait Islander people who have died.

Table of contents

Summary	1
1 Establishment of the Royal Commission	2
1.1 Calls for a national response	2
1.2 Inquiry announced	2
1.3 Letters Patent issued	4
1.4 Previous investigations and inquiries	4
1.5 Commissioners	9
1.6 Extension of the inquiry	12
1.7 Key events	12
2 Terms of Reference	17
2.1 The scope of the inquiry	17
2.2 Key considerations	19
3 The conduct of the inquiry	23
3.1 Private sessions and written accounts	25
3.2 Hearings	34
3.3 Policy and research	42
3.4 Engaging with the community	46
3.5 Operations of the Royal Commission	56
4 This Final Report	64
4.1 Sources of information	64
4.2 Recommendations	65
4.3 Reading this report	67
4.4 Key terms	71
4.5 Diversity and vulnerability	73
4.6 Our interim and other reports	78
4.7 Documenting personal experiences	81
Appendix A Letters Patent	88
Appendix B Our finances	172
Appendix C Case studies examined at public hearing	178

Appendix D Policy consultations	198
Appendix E Publications	201
Appendix F Research themes	218
Appendix G Supporting staff wellbeing	272
Appendix H Staff of the Office of the Royal Commission	277
Appendix I Inquiries and reports relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse	289
Glossary	319

Summary

This volume is the introduction to the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse. The report represents the culmination of our five-year inquiry into institutional responses to child sexual abuse and related matters. It presents the findings and recommendations of the Royal Commission. It also documents the experiences of people affected by child sexual abuse in an institutional context.

The volume outlines the circumstances that led Australian governments to determine there was a need for a national inquiry. It describes the establishment of the Royal Commission, the scope of the inquiry and its key considerations, as provided by the Terms of Reference.

The volume also outlines the purpose of the report as a whole, its intended audiences and how we have integrated population-specific issues throughout. It includes a discussion of key terms used in this report, and the Final Report Glossary containing a comprehensive list of terms, which follows the appendices.

The volume describes how we went about our task and the three pillars of the inquiry: hearings; private sessions; and policy and research. Finally, the volume describes the structure of the report, and how the report and related materials may be accessed online.

More detailed information about the Royal Commission, how it operated and its publications is contained in appendices to this volume:

- Appendix A provides our Letters Patent
- Appendix B provides further information about our finances
- Appendix C outlines the case studies we examined at public hearing
- Appendix D provides a summary of our policy consultations, including issues papers, consultation papers and public and private roundtables
- Appendix E provides a summary of prior publications of the Royal Commission, including earlier reports, research publications and case study reports
- Appendix F describes our research themes
- Appendix G describes our model for supporting staff wellbeing
- Appendix H is a list of staff of the Office of the Royal Commission
- Appendix I details other major government inquiries and reports relevant to the work of this inquiry.

1 Establishment of the Royal Commission

1.1 Calls for a national response

The sexual and other abuse of children in institutional settings, and the reluctance of those institutions involved to address this problem, has been the subject of public and parliamentary debate for many years.¹ Prior to the announcement of the Royal Commission in 2012, there had been repeated calls for governments to respond to the problem of child sexual abuse in institutional contexts.

Victims and survivors of child sexual abuse, and those who represent and support them, have consistently advocated for government action to respond to past abuse and prevent abuse occurring in the future.² Support for a national inquiry grew over time, with politicians, academics, journalists, lawyers and others in the community joining calls from victims and survivors of abuse for action to be taken.

In the lead-up to the establishment of the Royal Commission, awareness of the problem of child sexual abuse in institutional contexts and calls for a national inquiry had grown considerably within the broader community. There was a loss of community faith in the way that governments and institutions had responded, and continued to respond, to child sexual abuse. It was also apparent that child sexual abuse in institutional contexts was not just a problem of a bygone era, or isolated to a particular institution or jurisdiction – it was an ongoing problem in a variety of institutional settings, and the impacts of past abuse continued to be felt today. A long line of inquiries, while touching on aspects of institutional responses to child sexual abuse, never examined it comprehensively or at the national level.

The groundswell of support for a national inquiry into child sexual abuse gained momentum with the uncovering of a number of high-profile examples of failed institutional responses to child sexual abuse.

1.2 Inquiry announced

On 12 November 2012, the then Prime Minister, Julia Gillard, announced that she would recommend to the Governor-General that a royal commission be appointed to inquire into institutional responses to child abuse.³ At the time, she commented that:

the allegations that have come to light recently about child sexual abuse have been heartbreaking. These are insidious, evil acts to which no child should be subject. The individuals concerned deserve the most thorough of investigations into the wrongs that have been committed against them. They deserve to have their voices heard and their claims investigated. I believe a Royal Commission is the best way to do this.⁴

The Prime Minister explained that Australia was:

in a circumstance where two states [had] different inquiries on foot and because of the allegations of moving people around, this is something that goes beyond the borders of any one state. I've come to the view in those circumstances that a national approach is best.⁵

Australia must, she said, 'do everything we can to make sure that what has happened in the past is never allowed to happen again'.⁶

In discussing the decision to focus on 'institutional responses', the Prime Minister explained that:

there has been a systemic failure to respond to [child sexual abuse in institutional contexts] and to better protect children and I particularly want to get the insights about what would stop that kind of systemic failure happening again.⁷

She later said that Australia must 'start to create a future, where people who perpetrate child sexual abuse cannot hide in institutions; where we work together to find a better way of keeping our children safe'.⁸

There was support from the Opposition and minor parties for the Australian Government establishing the Royal Commission.⁹ It was recognised that sexual abuse was a challenge to the wellbeing of so many in the community that it needed to be discussed openly, with possible causes identified and effective responses developed. The pain endured by so many for so long, which had been understood by relatively few, required a community response. As the then Attorney-General remarked, it was hoped that the Royal Commission would:

shine a light on the injustices that have occurred in places where the most vulnerable in our society should have been cared for and protected.

The Commission will investigate and make recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions. Its recommendations will provide an opportunity to make sure that the failings of those institutions in the past are never allowed to happen again, and that survivors receive the support and justice they deserve.

The establishment of this Commission is the government's recognition of all those who have tried to bring the horrors of institutional child abuse out into the open and been ignored, scorned, shunned or simply disbelieved.

The voices of these individuals must be heard. Victims must feel properly supported to stand up to tell their stories, and the government must acknowledge how such horrific crimes have affected their lives.¹⁰

At the time the Prime Minister announced the establishment of the Royal Commission, it was not possible to anticipate the size of the task and the time that would be needed to complete it. There was an understanding that the problem of child sexual abuse in institutional contexts was significant, but the number of people who might want to give an account of their personal experiences and the number of institutions that may have been involved was unknown.

1.3 Letters Patent issued

Following the announcement, the Australian Government consulted with the community about the proposed Terms of Reference and potential commissioners.¹¹ It also discussed with state and territory governments how best to constitute the Royal Commission.

On 11 January 2013, the Governor-General of the Commonwealth of Australia issued Letters Patent appointing a six-member Royal Commission to inquire into institutional responses to child sexual abuse and related matters. The Letters Patent – or Terms of Reference, as they are generally referred to in this report – set out the scope of the inquiry. The Letters Patent are reproduced at Appendix A of this volume.

Each state government also issued Letters Patent in the same or similar terms (see Appendix A). Establishing the Royal Commission in this way meant that there were in effect seven concurrent commissions of inquiry which were authorised to inquire into institutional responses to child sexual abuse.¹²

1.4 Previous investigations and inquiries

Numerous inquiries, including royal commissions, parliamentary committees and advisory bodies, have uncovered and heard accounts of child sexual abuse in Australian institutions. The Royal Commission reviewed over 300 reports published in the past 28 years and identified 85 as directly relevant to our Terms of Reference (see Appendix I).¹³ There have also been many inquiries into these issues internationally.¹⁴

These inquiries have considered child sexual abuse in various situations, including institutional care, foster care, child migration, and the child protection system.

1.4.1 Australian Government inquiries

At a national level three major inquiries have examined the maltreatment of children, including sexual abuse, in Australian institutions during the 20th century.¹⁵ A brief overview of these three inquiries and their subsequent reports follows.

Aboriginal and Torres Strait Islander children

In May 1995, the then Human Rights and Equal Opportunity Commission (HREOC), now the Australian Human Rights Commission, was tasked by the Australian Government with undertaking an inquiry into the separation of Aboriginal and Torres Strait Islander children from their families.¹⁶

The Terms of Reference of the inquiry did not specifically address child sexual abuse in institutional settings. HREOC was tasked, among other things:

- tracing the effects of past laws, practices and policies which resulted in the separation of Aboriginal and Torres Strait Islander children from their families
- examining current laws, practices and policies with respect to the placement and care of Aboriginal and Torres Strait Islander children and advising on any changes required.¹⁷

The inquiry took evidence both orally and in writing from 535 Aboriginal and Torres Strait Islander people about their experiences of being removed from their families.¹⁸ The inquiry also travelled to every Australian capital city and many regional centres to conduct hearings and take evidence in private.¹⁹

Stories of sexual exploitation and abuse were common in evidence to the inquiry, with at least one in six witnesses reporting such abuse (17.5 per cent). It should be noted that witnesses were not directly asked whether they had been sexually abused.²⁰ The inquiry heard that children had no one to turn to for protection or comfort and were rarely believed if they did disclose they were being abused.²¹

The report of the inquiry, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Bringing them home)*, was tabled in Parliament on 26 May 1997 and made 54 recommendations.²²

Child migrants

The issue of child migration was referred by the Senate to its Community Affairs References Committee on 20 June 2000.²³ The Terms of Reference for the inquiry included:

- whether any unsafe, improper or unlawful care or treatment of children occurred in government and non-government institutions responsible for the care of child migrants
- whether there were statutory or administrative burdens or barriers adversely affecting former child migrants who wished to pursue claims against individual perpetrators of abuse previously involved in their care.²⁴

Of the 207 public and confidential submissions received from individual child migrants, 38 recounted episodes of child sexual abuse.²⁵ Almost two-thirds of these submissions related to residential institutions managed by the Christian Brothers in Western Australia.²⁶ These institutions were later examined in a Royal Commission case study.²⁷

The report of the inquiry, *Lost Innocents: Righting the record – Report on child migration (Lost innocents)*, was tabled in August 2001 and made 33 recommendations.²⁸

Children in institutional care

During the child migrant inquiry, the Committee received submissions from Australian-born children who had been in institutional care along with child migrants. There were calls made to conduct a further inquiry to address the experiences of this group.²⁹

On 4 March 2003, the Senate referred the issue of children in institutional care to its Community Affairs References Committee.³⁰ The Committee was directed to examine the experiences and treatment of children who experienced care in government or non-government institutions or outside a home setting in Australia during the 20th century who were not covered by the 2001 *Lost innocents* report and/or the 1997 *Bringing them home* report.³¹

In particular, the Committee was required to inquire into:³²

- (i) whether any unsafe, improper or unlawful care or treatment of children occurred in these institutions or places,
- (ii) whether any serious breach of any relevant statutory obligation occurred at any time when children were in care or under protection, and
- (iii) an estimate of the scale of any unsafe, improper or unlawful care or treatment of children in such institutions or places.

Other elements of the Terms of Reference directed the Committee to examine:

- the socio-economic effects of child abuse and neglect in the long term
- the nature and cause of changes to professional practice in the delivery of care
- whether there was a need for a formal acknowledgement by Australian governments of the abuse and neglect suffered by children in care
- what reparation measures were required
- whether statutory and administrative barriers adversely affected those who wished to pursue claims against perpetrators of abuse
- the need for public, social and legal policy to be reviewed in order to ensure an effective and responsive framework to deal with child abuse matters.³³

Two reports were tabled: *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children (Forgotten Australians)*, in August 2004, and *Protecting vulnerable children: A national challenge (Protecting vulnerable children)*, in March 2005.

The *Forgotten Australians* report focused on children who were in institutional and out-of-home care in the period from the 1920s to the 1970s. The Committee made 39 recommendations.³⁴ The *Protecting vulnerable children* report focused on contemporary foster care issues and the government and legal framework of child protection and welfare; children and young people with disability in care; and children and young people in juvenile justice and detention facilities. The Committee made a further 18 recommendations.³⁵

Over the course of the inquiry, the Committee received 537 public and 210 confidential submissions. Public hearings were also held during 2003 and 2004.³⁶ The inquiry found that ‘sexual abuse was widespread with reports covering all states and type of institutions – government and non-government, and between religions and in foster care’³⁷ and procedures to protect children from abuse were ‘either insufficient or non-existent’.³⁸

Recommendations of previous inquiries

Some of the recommendations that emerged from these inquiries shared similarities. For example, recommendations on:

- reparations in the form of acknowledgment and apologies by parliaments and relevant government and non-government institutions for the harm caused to affected children³⁹
- financial compensation through:
 - a national compensation fund, established by the Council of Australian Governments and managed by a board, with minimum lump-sum payments to those who had been forcibly removed from their families and an entitlement to additional compensation for people suffering particular harm or loss resulting from their removal (based on the civil standard of proof)⁴⁰
 - a national reparation fund, managed by the Australian Government and funded by contributions from the Australian and state governments, churches and other agencies proportionately.⁴¹

- access to records, with:
 - a prohibition on the destruction of records⁴²
 - assistance to survivors in locating and accessing personal records and information⁴³
 - funding for programs to find, identify and preserve records and other memorabilia⁴⁴
 - the development of common guidelines⁴⁵ or protocols⁴⁶ for accessing records.
- review and, if possible, removal of the legal barriers – including statutes of limitations and the unincorporated status of some religious and charitable organisations – confronting those seeking legal redress⁴⁷
- provision by churches and other non-government agencies of counselling and support services for forcibly removed Aboriginal and Torres Strait Islander people, other care-leavers and their families⁴⁸
- maintenance and expansion of counselling services for child migrants and other care-leavers⁴⁹

The *Forgotten Australians* and *Protecting vulnerable children* reports also recommended:

- the establishment of a national royal commission which would focus on, among other things, the criminal sexual assault of children and young persons within state, charitable, and church-run institutions and out-of-home care during the last century⁵⁰
- that state and territory governments review the effectiveness of mandatory reporting schemes in protecting and preventing child abuse.⁵¹

A 2008 review of how recommendations from the *Lost Innocents* and *Forgotten Australians* reports had been implemented found that ‘despite progress made, there remains much work to be done ... The reasons for this are various, and include refusal to implement, failure to implement, partial implementation and changing circumstances’.⁵²

A national apology was delivered to Australia’s Aboriginal and Torres Strait Islander peoples on 13 February 2008⁵³ and to Australians who suffered abuse and neglect in institutions and out-of-home care in the preceding century, including child migrants, on 16 November 2009.⁵⁴

At the state level, there have been a number of inquiries which have examined the sexual abuse of children.⁵⁵ Findings and recommendations from these inquiries highlighted the need to examine national systemic institutional failures due to the potential for inconsistent responses in different jurisdictions and some institutions reportedly moving known perpetrators across state and territory borders.⁵⁶

Despite the many recommendations on how institutions should be managed to minimise sexual abuse of children and effectively respond to it when it has occurred, there has been no independent assessment of whether they have been implemented and, if so, their effectiveness.⁵⁷ We commissioned research which examined the extent to which recommendations made in previous inquiries have been implemented and the factors that have affected implementation.⁵⁸

1.5 Commissioners

Six Commissioners were appointed to conduct the inquiry:

- The Hon. Justice Peter McClellan AM (Chair)
- The Hon. Justice Jennifer Coate
- Mr Bob Atkinson AO APM
- Mr Robert Fitzgerald AM
- Professor Helen Milroy
- Mr Andrew Murray.

The Prime Minister explained at the time that six Commissioners had been appointed due ‘to the scope, scale and seriousness’ of the inquiry and noted the diversity of cross-disciplinary professional experience the Commissioners would bring to the inquiry.⁵⁹



The Hon. Justice Peter McClellan AM (Chair)

The Hon. Justice Peter McClellan AM is a Judge of Appeal in New South Wales. Before this, he was the Chief Judge at Common Law of the Supreme Court of New South Wales, having been appointed to that position in 2005.

He has held several other appointments, including Judge of the Supreme Court of New South Wales, Chief Judge of the Land and Environment Court of New South Wales, Chairman of the Sydney Water Inquiry, and Assistant Commissioner at the Independent Commission Against Corruption.

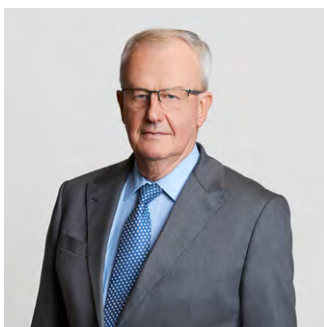
Justice McClellan was admitted to practise law in 1974 and appointed Queen’s Counsel in 1985. He became a Member of the Order of Australia (AM) in 2011 for services to the judiciary through the Supreme Court of New South Wales, to environmental law and to legal education.



The Hon. Justice Jennifer Coate

The Hon. Justice Jennifer Coate is a Judge of the Family Court of Australia. Before this, she held several appointments, including Judge of the County Court of Victoria, State Coroner of Victoria, inaugural President of the Children’s Court of Victoria, and Deputy Chief Magistrate of the Magistrate’s Court of Victoria.

As President of the Children’s Court of Victoria, Justice Coate oversaw the establishment of the Children’s Koori Court. She has also worked as a part-time law reform commissioner, a solicitor in private practice and a solicitor for the Legal Aid Commission of Victoria, and in policy and research for the Victorian Government.



Mr Bob Atkinson AO APM

Commissioner Bob Atkinson AO APM was the Commissioner of the Queensland Police Service for 12 years until his retirement in October 2012.

In a 44-year career with the Queensland Police Service, he served throughout Queensland from Goondiwindi to Cairns. He was a detective for around 20 years and, during this time, acted as the police prosecutor in various magistrates’ courts.

Commissioner Atkinson oversaw reforms after the 1990 Fitzgerald Inquiry and the Queensland Police Service’s 1993 Public Sector Management Commission Review and report recommendations.



Mr Robert Fitzgerald AM

Commissioner Robert Fitzgerald AM was appointed as a full-time commissioner with the Australian Government Productivity Commission in January 2004. He was on leave from the Productivity Commission while taking part in the Royal Commission.

Commissioner Fitzgerald was previously the Community and Disability Services Commissioner and Deputy Ombudsman in New South Wales. He has a diverse background and extensive experience in commerce, law, public policy and community services, including involvement in numerous not-for-profit agencies.



Professor Helen Milroy

Commissioner Helen Milroy is a consultant child and adolescent psychiatrist and Winthrop Professor at the University of Western Australia. She has been on state and national mental health advisory committees and boards, focusing on the wellbeing of children. Commissioner Milroy is a descendant of the Palyku people of the Pilbara region of Western Australia and was born and educated in Perth.

Commissioner Milroy has extensive experience as a clinician, with a special interest in child trauma and Indigenous mental health. She has presented and published on these issues, and been involved in education and training in child psychiatry, Indigenous mental health and healing from trauma. She has also contributed to national and state policy on mental health and Aboriginal and Torres Strait Islander wellbeing, and the development of clinical and ethical guidelines.



Mr Andrew Murray

Commissioner Andrew Murray is a Rhodes Scholar and former businessman who was a senator for Western Australia from 1996 to 2008. His Senate career focused on various finance, economics and business issues; accountability, governance and electoral reform; and institutionalised children.

Commissioner Murray's earlier business background includes roles as an executive and director in public and private corporations, as well as managing his own businesses. He has chaired and been a member of several community, business and political boards, committees and associations. Commissioner Murray was also Chair of the Western Australian Regional Development Trust from June 2010 to March 2014.

1.6 Extension of the inquiry

The Terms of Reference originally required us to submit a final report by 31 December 2015. It became clear to us during the early stages of the inquiry that further time would be needed to complete our task. In June 2014 we sought an extension of this reporting date to 15 December 2017.⁶⁰

On 2 September 2014, the Australian Government announced its decision to extend the Royal Commission for a further two years, and committed additional funding.⁶¹ The Terms of Reference were amended on 13 November 2014 to require submission of the final report to the Governor-General by 15 December 2017. The Attorney-General George Brandis and then Social Services Minister Kevin Andrews remarked:

The extension will give the Commission the capacity to hear more stories from victims, conduct more public hearings and issue additional interim reports. Institutions responsible for the care of children will be able to continue to learn from the ongoing work of the inquiry and be better able to prevent child sexual abuse from happening.⁶²

The additional two years provided by the extension permitted the Royal Commission to do much more. Between 1 January 2016 and 30 June 2017, we:

- heard from more people who had been affected by child sexual abuse in an institutional context, including through an additional 2,316 private sessions, 338 written accounts and 12 community forums
- deepened our understanding of systemic issues relating to child sexual abuse, including through the release of an additional issues paper, four consultation papers, and 33 policy and research reports
- expanded our examination of institutional responses, with an additional 24 public hearings conducted during this period
- referred a further 1,361 matters to authorities for investigation (to 31 July).

Significantly, we also had the opportunity to conduct a number of additional public hearings, including hearings to examine the responses of a number of institutions to issues previously raised by the Royal Commission.

1.7 Key events

The Commissioners held their first formal meeting on 16 January 2013. The work of the Royal Commission fully commenced in late February 2013. The table below lists the key events in the life of the Royal Commission.

Table 1.1 – Key events in the establishment of the Royal Commission

Date	Key event
12 November 2012	Prime Minister announced that she would recommend to the Governor-General that a royal commission be established
11 January 2013	Governor-General issued Letters Patent
16 January 2013	First Commissioners' meeting and public media conference
22 February 2013	Consultation with advocacy groups and other key stakeholders began
28 March 2013	<i>Royal Commissions Act 1902</i> (Cth) amended to allow for private sessions
March 2013	Practice guidelines published
3 April 2013	First public sitting held in Melbourne
4 April 2013	Call centre began operations
7 May 2013	First private session held in Parramatta, Sydney
17 June 2013	First issues paper published
15 July 2013	Royal Commission began operations at permanent premises in Sydney
16 September 2013	First public case study hearing held in Sydney
16 April 2014	First roundtable held
25 April 2014	First case study report released
30 June 2014	Interim report released
2 September 2014	The Australian Government announced its decision to extend the Royal Commission until December 2017
30 January 2015	First consultation paper published
17 August 2015	<i>Working With Children Checks</i> report released
14 September 2015	<i>Redress and civil litigation</i> report released
July 2016	Child safe organisation elements published
30 September 2016	Registrations for private sessions closed
31 March 2017	Final public case study hearing held in Sydney
August 2017	<i>Criminal justice</i> report published
November 2017	Final private session held
December 2017	Last sitting of the Royal Commission
14 December 2017	Message to Australia book presented to the National Library by Commissioners
15 December 2017	Final Report submitted to the Governor-General

Endnotes

- 1 The Australian Senate has conducted numerous inquiries and reported on the issue of children in institutional and other forms of care, dating back to 1985. See Senate Standing Committee on Social Welfare, *Children in institutional and other forms of care: A national perspective*, Parliament House, Canberra, 1985; Senate Community Affairs References Committee, *Lost Innocents: Righting the record – Report on child migration*, Parliament House, Canberra, 2001; Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004; Senate Community Affairs References Committee, *Protecting vulnerable children: A national challenge*, Parliament House, Canberra, 2005.
- 2 Including: Adults Surviving Child Abuse, Bravehearts, Broken Rites, Care Leavers Australia Network, Child Migrants Trust, Historic Abuse Network, International Association of Former Child Migrants and their Families.
- 3 J Gillard, Prime Minister of Australia, *Establishment of Royal Commission into Child Sexual Abuse*, media release, Department of Prime Minister and Cabinet, Canberra, 12 November 2012.
- 4 J Gillard, Prime Minister of Australia, *Establishment of Royal Commission into Child Sexual Abuse*, media release, Department of Prime Minister and Cabinet, Canberra, 12 November 2012.
- 5 J Gillard, Prime Minister of Australia, Transcript of press conference, Canberra, 12 November 2012.
- 6 J Gillard, Prime Minister of Australia, *Establishment of Royal Commission into Child Sexual Abuse*, media release, Department of Prime Minister and Cabinet, Canberra, 12 November 2012.
- 7 J Gillard, Prime Minister of Australia, Transcript of press conference, Canberra, 12 November 2012.
- 8 J Gillard, Prime Minister of Australia, Transcript of joint press conference, Canberra, 11 January 2013.
- 9 S Cullen, 'Gillard launches royal commission into child abuse', *ABC News*, 2012, www.abc.net.au/news/2012-11-12/gillard-launches-royal-commission-into-child-abuse/4367364 (viewed 4 May 2017).
- 10 Australia, House of Representatives, 13 February 2013, *Debates*, vol HR43, pp 1116–18 (M Dreyfus, Attorney-General).
- 11 More than 720 individuals and organisations provided input. See J Macklin & N Roxon, *720 public consultation contributions received*, media release, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, 28 November 2012; Australia, House of Representatives, 13 February 2013, *Debates*, vol HR43, p 1117 (M Dreyfus, Attorney-General).
- 12 The Commissioners were formally appointed under Western Australian law on 22 January 2013, Queensland law on 24 January 2013, New South Wales law on 25 January 2013, Victorian law on 12 February 2013, Tasmanian law on 4 March 2013 and South Australian law on 7 March 2013.
- 13 The number of relevant government reports and inquiries has grown since this appendix was first published in the interim report of this commission. See Appendix I for further detail.
- 14 For example, the *Historical institutional abuse inquiry* (Northern Ireland), *The causes and context of sexual abuse of minors by Catholic priests in the United States 1950–2010*, the *Independent inquiry into child sexual abuse* (United Kingdom), *The report of the Archdiocesan Commission of Enquiry into the sexual abuse of children by members of the clergy* (Canada), *The County Commission to inquire into children's homes in Finnmark* (Norway) and the *Swedish Commission to inquire into child abuse and neglect in institutions and foster homes*. For more detail see K Wright, S Swain & J Sköld, *The age of inquiry: A global mapping of institutional abuse inquiries*, 2017, www.lib.latrobe.edu.au/research/ageofinquiry/index (viewed 21 August 2017).
- 15 Senate Community Affairs References Committee, *Lost Innocents and Forgotten Australians revisited: Report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians reports*, Parliament House, Canberra, 2009, p 2.
- 16 The Attorney-General requested the Human Rights and Equal Opportunity Commission inquire and report pursuant to ss 11(1)(e), (j) and (k) of the *Human Rights and Equal Opportunity Commission Act 1986* (Cth).
- 17 Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, pp 2–3.
- 18 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, p 21.
- 19 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, p 19.
- 20 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, p 162.
- 21 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, pp 194–5.
- 22 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, pp 651–65 (Appendix 9).
- 23 The issue of child migration was referred to the Senate on the motion of Senator Andrew Murray for inquiry and report. Senator Murray declared on several occasions his special interest in the inquiry as a former child migrant from Fairbridge, Bulawayo, Southern Rhodesia (now Zimbabwe). See Senate Community Affairs References Committee, *Lost Innocents: Righting the record—Report on child migration*, Parliament House, Canberra 2001, pp 1–2.
- 24 Senate Community Affairs References Committee, *Lost Innocents: Righting the record—Report on child migration*, Parliament House, Canberra, 2001, p 1.

- 25 Senate Community Affairs References Committee, *Lost Innocents: Righting the record—Report on child migration*, Parliament House, Canberra, 2001, p 76.
- 26 Senate Community Affairs References Committee, *Lost Innocents: Righting the record—Report on child migration*, Parliament House, Canberra, 2001, p 76.
- 27 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf, St Mary’s Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014.
- 28 Senate Community Affairs References Committee, *Lost Innocents: Righting the record—Report on child migration*, Parliament House, Canberra, 2001, pp xv–xix.
- 29 Senate Community Affairs References Committee, *Lost Innocents and Forgotten Australians revisited: Report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians reports*, Parliament House, Canberra, 2009, p 4.
- 30 On the motion of Senator Andrew Murray. See Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, p 1.
- 31 Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, p 2.
- 32 See 1(a) of Terms of Reference, Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, p 1.
- 33 Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, pp 1–2.
- 34 Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, pp xix–xxvii.
- 35 Senate Community Affairs References Committee, *Protecting vulnerable children: A national challenge*, Parliament House, Canberra, 2005, pp xiii–xvi.
- 36 Senate Community Affairs References Committee, *Protecting vulnerable children: A national challenge*, Parliament House, Canberra, 2005, p 3.
- 37 Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, p 103.
- 38 Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, p 126.
- 39 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, pp 287, 292 (Recommendations 5a, 5b and 6); Senate Community Affairs References Committee, *Lost Innocents: Righting the record—Report on child migration*, Parliament House, Canberra, 2001, p 239 (Recommendation 30); Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, pp 197–8 (Recommendations 1 and 2).
- 40 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, pp 309–12 (Recommendations 15–19).
- 41 Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, pp 227–8 (Recommendation 6).
- 42 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, p 347 (Recommendation 13); Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, p 285 (Recommendation 21).
- 43 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, p 352 (Recommendation 27); Senate Community Affairs References Committee, *Lost Innocents: Righting the record—Report on child migration*, Parliament House, Canberra, 2001, p 172 (Recommendations 14–16).
- 44 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, pp 347–8 (Recommendations 22a and 23); Senate Community Affairs References Committee, *Lost Innocents: Righting the record—Report on child migration*, Parliament House, Canberra, 2001, pp 171–2 (Recommendations 12 and 13); Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, pp 285–6 (Recommendations 12, 14 and 15).
- 45 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Sydney, Commonwealth of Australia, Sydney, 1997, p 351 (Recommendation 25); Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, p 286 (Recommendation 16).
- 46 Senate Community Affairs References Committee, *Lost Innocents: Righting the record—Report on child migration*, Parliament House, Canberra, 2001, p 171 (Recommendation 10).

- 47 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, pp 304, 313 (Recommendations 14 and 20); Senate Community Affairs References Committee, *Lost Innocents: Righting the record—Report on child migration*, Parliament House, Canberra, 2001, p 223 (Recommendation 29); Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, pp 213–14 (Recommendations 3 and 4).
- 48 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, p 417 (Recommendation 40a and 40b); Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, p 305 (Recommendation 21).
- 49 Senate Community Affairs References Committee, *Lost Innocents: Righting the record—Report on child migration*, Parliament House, Canberra, 2001, p 205 (Recommendation 23); Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, p 312 (Recommendation 23).
- 50 Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Parliament House, Canberra, 2004, p 251 (Recommendation 11).
- 51 Senate Community Affairs References Committee, *Protecting vulnerable children: A national challenge*, Parliament House, Canberra, 2005, p 42 (Recommendation 2).
- 52 Senate Community Affairs References Committee, *Lost Innocents and Forgotten Australians revisited: Report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians reports*, Parliament House, Canberra, 2009, p 207.
- 53 Australia, House of Representatives, 13 February 2008, *Debates*, vol HR42, pp 167–71 (K Rudd, Prime Minister of Australia).
- 54 Transcript of K Rudd, Apology to the Forgotten Australians and Former Child Migrants, Parliament House, Canberra, 16 November 2009.
- 55 For example, *Betrayal of trust: Inquiry into the handling of child abuse by religious and other non-government organisations* (Victoria); *Special Commission of Inquiry into matters relating to the police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland–Newcastle* (New South Wales); *Inquiry into the protection of Aboriginal children from sexual abuse* (Northern Territory); *Children in state care Commission of Inquiry* (South Australia); *Commission of Inquiry into abuse of children in Queensland institutions*, and *Review of claims of abuse of children in state care* (Tasmania). For more detail see K Wright, S Swain & J Sköld, *The age of inquiry: A global mapping of institutional abuse inquiries*, 2017, www.lib.latrobe.edu.au/research/ageofinquiry/index (viewed 21 August 2017).
- 56 Royal Commission into Institutional Responses to Child Sexual Abuse, *Interim Report: Volume 1*, Sydney, 2014, p 27.
- 57 Royal Commission into Institutional Responses to Child Sexual Abuse, *Interim Report: Volume 1*, Sydney, 2014, p 27.
- 58 Parenting Research Centre, *Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2015.
- 59 J Gillard, Prime Minister of Australia, *Government Formally Establishes Royal Commission*, media release, Department of Prime Minister and Cabinet, Canberra, 11 January 2013.
- 60 Royal Commission into Institutional Responses to Child Sexual Abuse, *Interim Report: Volume 1*, Sydney, 2014, p 203.
- 61 G Brandis, Attorney-General & K Andrews, Minister for Social Services, *Child Abuse Royal Commission granted a two year extension*, media release, Office of Attorney-General & Office of the Minister for Social Services, Canberra, 2 September 2014.
- 62 G Brandis, Attorney-General & K Andrews, Minister for Social Services, *Child Abuse Royal Commission granted a two year extension*, media release, Office of Attorney-General & Office of the Minister for Social Services, Canberra, 2 September 2014.

2 Terms of Reference

The Letters Patent set out Terms of Reference, which defined the scope of the Royal Commission's inquiry and the principal matters to which we were directed to have regard. Some aspects of the Terms of Reference, and how these have been interpreted, are discussed below.

2.1 The scope of the inquiry

The Terms of Reference directed us to inquire into, and report on, 'institutional responses to allegations and incidents of child sexual abuse and related matters'. Without limiting the scope of the inquiry, the Terms of Reference expressly required us to inquire into:

- (a) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future
- (b) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts
- (c) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse
- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.¹

The Terms of Reference directed us to inquire into 'institutional responses' to 'child sexual abuse' and 'related matters' that occur in 'institutional contexts'. These terms are all important in understanding the scope of the inquiry. The Terms of Reference also provided guidance by way of definitions to other key terms.

2.1.1 Institutions and institutional contexts

An 'institution', for the purposes of the inquiry, was defined broadly. It included, for example, any entity that 'provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families'.

However, the Terms of Reference also allowed the Royal Commission to inquire into the way in which institutions, such as police services, responded to allegations of abuse in *other* institutions. The response of government departments and agencies to abuse in institutions was a focus of the inquiry.

Child sexual abuse occurs in different contexts, including in the family and in the community.² However, our inquiry was directed to consider child sexual abuse in an ‘institutional context’. The Terms of Reference provided that child sexual abuse happens in an institutional context if, for example:³

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

The inquiry did not examine child sexual abuse outside institutional contexts. Child sexual abuse ‘within the family’ was expressly excluded. However, the Terms of Reference noted that our recommendations would be likely to improve the response to child sexual abuse in all contexts, and a significant number of our recommendations do have application to child sexual abuse wherever it occurs.⁴

2.1.2 Institutional responses

The primary focus of our inquiry was on how governments and institutions respond to child sexual abuse. Consistent with the Terms of Reference, the terms ‘respond’ and ‘response’ included, but were not limited to, protecting children against sexual abuse; reporting abuse; responding to reports or information about abuse; providing redress for abuse; investigating and prosecuting cases of abuse; and supporting victims.⁵

However, we were not required to inquire into any particular matter where the matter had been, was being, or would be sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.⁶

We were not empowered to provide or recommend compensation in cases of child sexual abuse.⁷ However, we made recommendations in relation to the provision of effective redress for survivors through the establishment, funding and operation of a single national redress scheme and the provision of a direct personal response to survivors by institutions.⁸

2.1.3 Child sexual abuse

The Terms of Reference are silent as to the meaning of the term ‘child sexual abuse’, perhaps reflecting the absence in Australia of a standard definition of the term. To guide our inquiry, we adopted a working definition of the term ‘child sexual abuse’. We considered child sexual abuse to be:

any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child’s inhibitions in preparation for sexual activity with the child.⁹

The focus of the inquiry was on child sexual abuse. However, the definition of the term ‘related matters’ in the Terms of Reference was stated to mean ‘any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse’.¹⁰ Volume 2, *Nature and cause* provides further discussion on what we considered to be child sexual abuse and related matters.

2.2 Key considerations

Without limiting the scope of the inquiry, the Terms of Reference directed us to have regard to:

- the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs
- the need to focus the inquiry and recommendations on systemic issues, recognising nevertheless that we would be informed by individual cases and may need to make referrals to appropriate authorities in individual cases
- the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts
- changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.¹¹

2.2.1 Survivors' experiences

To assist with healing and in the development of our findings and recommendations on how to improve institutional responses to child sexual abuse, it was important that survivors of child sexual abuse in institutional contexts could share their experiences. As discussed below, the Royal Commission provided a variety of ways for survivors to do so. We also heard from other people affected by child sexual abuse, including victims' families and friends, whistleblowers and staff in institutions. Throughout this report, we aimed to give voice to the many people directly and indirectly affected by child sexual abuse in institutions.

2.2.2 Systemic issues

The focus of the inquiry was on systemic issues, which were drawn from our Letters Patent. We explored claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse, and identified best practice so that it might be followed in the future. This approach was taken across the inquiry.

For example, Volume 4, *Identifying and disclosing child sexual abuse* and Volume 7, *Improving institutional responding and reporting* focus on systemic issues concerning the disclosure, reporting and response to child sexual abuse by institutions. Other volumes make recommendations addressing systemic issues in particular types of institutions – for example, Volume 16, *Religious institutions* and Volume 15, *Contemporary detention environments*.

Under the Terms of Reference, we were directed to make appropriate recommendations, including about 'any policy, legislative, administrative or structural reforms'.¹² Consistent with this direction, our recommendations relating to religious institutions are detailed and broad ranging.

During our inquiry we identified a broad range of issues within religious institutions that may have contributed to failures to prevent child sexual abuse and to inadequate institutional responses. Some of these issues related to governance, internal culture, and underlying theological and scriptural beliefs and practices which shaped the governance and culture of religious institutions. Some of our recommendations address those issues.

2.2.3 Adequacy and appropriateness of responses

The inquiry conducted a detailed examination of the responses of institutions to child sexual abuse, through private sessions and written accounts, public hearings, policy and research work, and consultative engagement with the community and governments. The adequacy and appropriateness of particular institutional responses was explored in-depth in case studies. Volume 11, *Historical residential institutions*, Volume 12, *Contemporary out-of-home care*, Volume 13, *Schools*, Volume 14, *Sport, recreation, arts, culture, community and hobby groups*, Volume 15, *Contemporary detention environments* and Volume 16, *Religious institutions* make recommendations directed towards improving the responses of a range of types of institutions to child sexual abuse.

2.2.4 Changes that have improved responses

The inquiry examined changes to laws, policies, practices and systems, with a view to:

- identifying those which have improved institutional responses to child sexual abuse
- suggesting further improvements.

The ways that some institutions respond to child sexual abuse have improved during the life of the Royal Commission, as a consequence of our work. For example, some institutions have:

- reviewed victims' claims for redress
- taken steps to ensure that an entity with sufficient assets is capable of being sued
- implemented new practices, policies and procedures in relation to, among other things, recruitment, supervision and handling of complaints of child sexual abuse
- made changes to governance and management arrangements.

Positive changes resulted from information that emerged in public hearings, from recommendations made in our case studies and earlier reports and, more generally, from raised awareness of child sexual abuse in the community. In addition, new legislation was enacted in a number of jurisdictions.¹³

Some of these changes are highlighted in Volume 17, *Beyond the Royal Commission*. That volume also outlines how aspects of the Royal Commission's work will be continued by others, to bring lasting improvement in the lives of those who have been abused and more effectively protect children in the future.

Endnotes

- 1 *Letters Patent* (Cth), 11 January 2013, (a)–(d).
- 2 Committee on the Rights of the Child, *General comment no 13: The right of the child to freedom from all forms of violence*, CRC/C/GC/13, United Nations, 2011, p 13 (para 34). See also PS Pinheiro, *Report of the independent expert for the United Nations study on violence against children*, A/61/299, United Nations, Geneva, 2006, p 12 (paras 38–80).
- 3 *Letters Patent* (Cth), 11 January 2013, (iii)–(v).
- 4 *Letters Patent* (Cth), 11 January 2013.
- 5 *Letters Patent* (Cth), 11 January 2013, (a)–(d).
- 6 *Letters Patent* (Cth), 11 January 2013.
- 7 *Letters Patent* (Cth), 11 January 2013, (d).
- 8 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation* report, Sydney, 2015.
- 9 The definition of the term ‘child sexual abuse’ is based on a discussion of the meaning of child sexual abuse in R Price-Robertson, *What is child abuse and neglect?*, Australian Institute of Family Studies, 2012, www.aifs.gov.au/cfca/publications/what-child-abuse-and-neglect (viewed 16 August 2016); LM Bromfield, *Chronic child maltreatment in an Australian statutory child protection sample*, Deakin University, 2005, pp 5–27; A Broadbent & R Bentley, *Child abuse and neglect: Australia 1995–96*, Australian Institute of Health and Welfare Child Welfare Series, no 17, Commonwealth of Australia, Canberra, 1997, pp 3–4; National Research Council (US), *Understanding child abuse and neglect*, National Academy of Sciences, Washington DC, 1993, pp 57–77.
- 10 *Letters Patent* (Cth), 11 January 2013.
- 11 *Letters Patent* (Cth), 11 January 2013, (e)–(h).
- 12 *Letters Patent*, (Cth), 11 January 2013.
- 13 See, for example, *Limitation of Actions Amendment (Child Abuse) Act 2015* (Vic); *Limitation Amendment (Child Abuse) Act 2016* (NSW); *Limitation of Actions (Child Sexual Abuse) and Other Legislation Amendment Act 2016* (Qld); *Children Legislation Amendment (Reportable Conduct) Act 2017* (Vic).

3 The conduct of the inquiry

The *Royal Commissions Act 1902* (Cth) and its state equivalents regulate inquiries undertaken by royal commissions.¹ These Acts are not prescriptive about the methods of inquiry to be adopted by royal commissions.

To inform this inquiry, the Commissioners sought to gather information about institutional responses to child sexual abuse through personal accounts (provided in writing or in a private session), public hearings, and our research and policy work. Commissioners met monthly throughout the inquiry.

People were able to contact us in a safe and secure way by phoning our call centre, emailing or writing to us or being referred by a community group.

By 31 July 2017, our call centre had taken more than 39,700 calls. We also received over 23,900 pieces of correspondence.

We heard mainly from victims and survivors. We also heard from:

- advocacy and support groups
- institutions that fell within our Terms of Reference
- members of the public offering information or help
- support services wishing to be engaged by the Royal Commission
- members of parliament representing their constituents
- government ministers
- professional associations.

People who contacted us were provided with the opportunity to share their story in different ways. Private sessions allowed people to tell of their experiences of institutional responses to child sexual abuse in a confidential, protected and supportive environment with at least one Commissioner. Written accounts, which described or documented a person's experience of institutional responses to child sexual abuse were another way survivors could share their experiences with Commissioners. Written accounts allowed individuals who did not wish or were not able to attend private sessions to share their experiences with Commissioners. Information provided to us in private sessions and written accounts helped us to identify systemic issues and institutions we should consider for public hearings.

From time to time, we refer to information gathered about the total group of people (15,249 individuals as at 31 May 2017) who contacted the Royal Commission and were within our Terms of Reference. In addition to the people who participated in private sessions, this total figure includes individuals who did not attend a private session but who provided a written account or verbal information to the Royal Commission.

We held public hearings to receive evidence about, and examine in detail, the responses of institutions. Public hearings allowed those affected by child sexual abuse in institutional contexts to give evidence about their experiences, to examine the response of the institution to complaints made and importantly, to raise community awareness and understanding of child sexual abuse and the institutions in which it occurred.

We held private sessions and public hearings, and visited communities all across Australia.

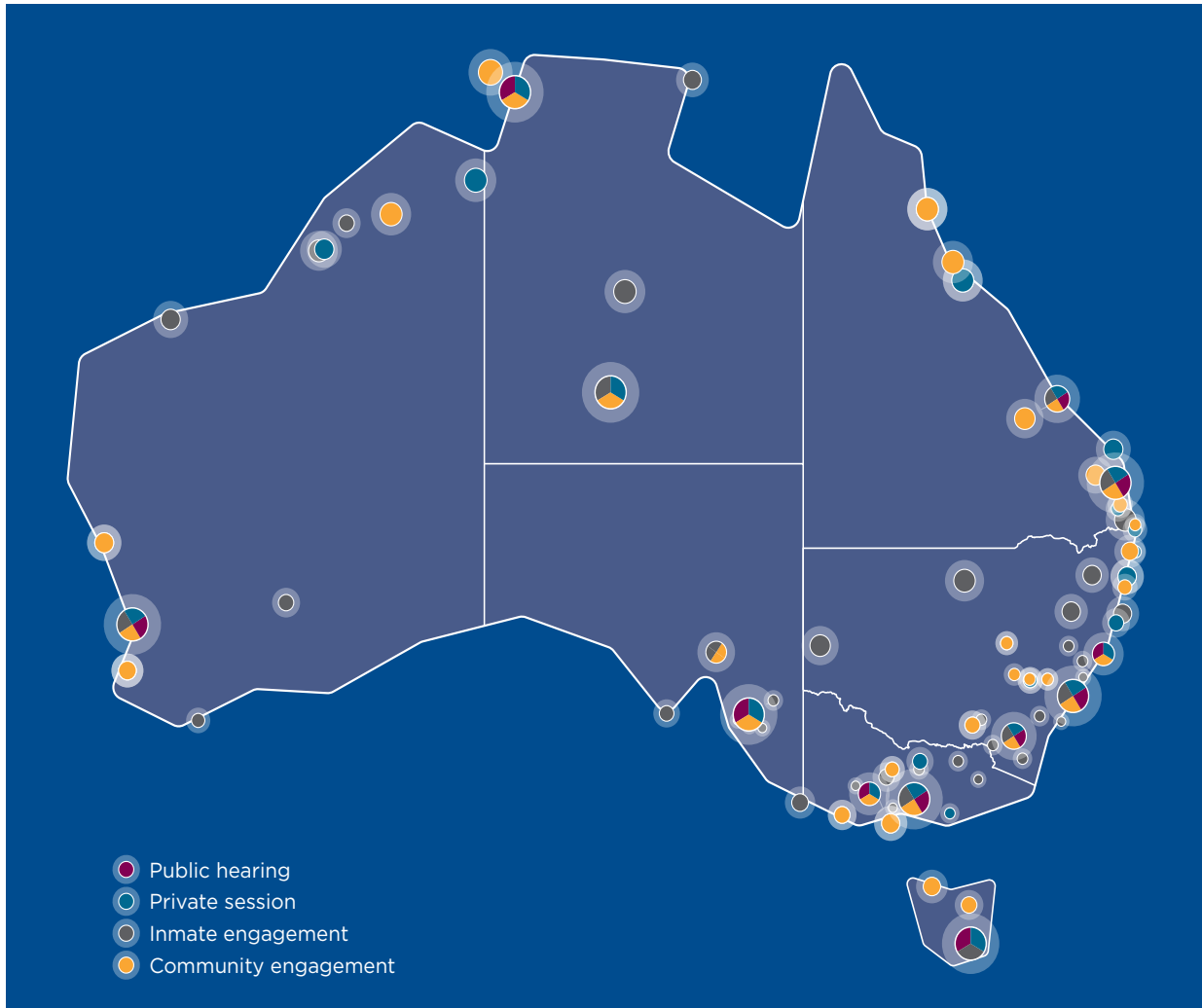


Figure 1.1 – Locations where the Royal Commission held public hearings, private sessions, inmate engagement and community engagement

The Royal Commission conducted an extensive research program to support its work.² Issues papers, consultation papers and public and private roundtables were opportunities for individuals, organisations and governments to provide us with considered views about institutional responses to child sexual abuse and proposals for policy reform.³ As part of our research and policy program, and at public hearings, we heard from a number of international experts. We also received a number of visits from representatives from overseas inquiries.

We considered the safety and wellbeing of victims and survivors at every stage of their engagement with the Royal Commission, ensuring they were assisted through a trauma-informed approach.

Referrals to authorities

If we received information relating to a potential contravention of Australian law, we made referrals to police in cases where the alleged perpetrator could have been alive and the survivor wished us to report the matter. There were many cases where the alleged perpetrator was either known to be, or was almost certainly, deceased. If there was a prospective risk to any child a referral was made irrespective of the wish of the survivor. As of 31 July 2017, we had made 2,252 referrals to police, and police had laid charges in a number of cases. Of those 2,252 referrals, 1,129 related to child sexual abuse in religious institutions.

3.1 Private sessions and written accounts

Our first priority was to hear from people affected by child sexual abuse in an institutional context. We offered people opportunities to contact us to share their experiences, either in a written account or in a private session with a Commissioner.

These personal accounts were the primary way for us to hear directly from victims and survivors of child sexual abuse in institutions about the abuse and trauma inflicted on them when they were children. They also helped us build a picture about what happened to children in the past and gain insights about how to better protect children in the future.

Volume 5, *Private sessions* provides a full description of the private sessions model and the themes that have emerged from private sessions.

3.1.1 Private sessions

What is a private session?

It was apparent to the Australian Government from the time the Royal Commission was established that many people (ultimately thousands) would want to tell us about their personal experiences of institutional responses to child sexual abuse.

When explaining the need for private sessions, the then Attorney-General stated:

A traditional royal commission hearing setting will not generally serve as the best way to facilitate participation in the royal commission by those people affected by child sexual abuse.

For many, telling their story will be deeply personal and traumatic. While we cannot know at this time how many people will wish to participate, sadly we know that this crime has affected many in our community.

In order to carry out its inquiry, the private session mechanism will give the royal commission greater flexibility to directly hear from a potentially large number of people. Participants will not need to tell their accounts on oath or affirmation. These private sessions will not be open to the public and participation will be voluntary.⁴

The *Royal Commissions Act 1902* (Cth) was amended specifically to allow the Royal Commission to hear from survivors in private sessions. The Act now provides that a private session is not a hearing of the Royal Commission,⁵ and that a person who appears at a private session is not a witness before the Royal Commission or considered to be giving evidence.⁶ Consequently those participating in private sessions were not required to take an oath or affirmation and were not subject to cross examination but were expected to tell the truth. The sessions were conducted with complete confidentiality. Private sessions have been a valuable source of information for our inquiry.

Private sessions allowed survivors and others affected by abuse to speak confidentially to a Commissioner in a private and supportive environment. The majority of attendees were survivors of child sexual abuse in an institutional context; however, we also heard from family members, friends or whistleblowers who were aware of the sexual abuse of others.

As far as possible, private sessions were available for all those who wished to speak to Commissioners. Some private sessions were held with children, conducted in an age-appropriate manner. Many private sessions were also held with men and women in prison.

At a glance

The Royal Commission held around 8,000 private sessions between 7 May 2013 and November 2017.⁷ The quantitative information throughout the Final Report is drawn from the experiences of 6,875 survivors we heard from in private sessions held until 31 May 2017.

Private sessions were held in 96 different locations across Australia. The Commissioners held private sessions in every capital city, and in 25 regional locations, via telephone from overseas and with inmates from more than 61 correctional centres.

Due to the demand for private sessions, the Royal Commission closed registrations for private sessions on 30 September 2016. This was to ensure that those who were waiting for a private session had the opportunity to share their story with a Commissioner before the Royal Commission concluded. We continued to provide people with the option to share their story in writing until 15 November 2017.

Table 1.2 – Private sessions at a glance (at 31 May 2017)

Total number of people approved for a private session	8,846
Total number of private sessions held	6,961
Number of private sessions held, by state/territory	NSW – 1,953 VIC – 1,688 QLD – 1,597 SA – 422 WA – 814 TAS – 188 ACT – 168 NT – 102
Number of private sessions held in a regional location	465
Number of private sessions held by teleconference	361
Number of private sessions held by teleconference with survivors residing overseas	37
Number of private sessions held with children and young people	20
Number of private sessions held with survivors in prisons (includes face-to-face and teleconference sessions)	722
Number of correctional centres where private sessions were facilitated (includes face-to-face and teleconference sessions)	61
Age of oldest and youngest private session attendees	93 years of age 7 years of age

More information on the experience of those who attended private sessions is provided in Volume 5, *Private sessions*.

Before a private session

Individuals seeking a private session generally contacted the Royal Commission by telephone. Counsellors were available to respond at this first point of contact and provided a supportive environment for people who were tentative or concerned about coming forward. An Aboriginal counsellor was also available to provide culturally sensitive support to people who wanted to speak to an Aboriginal person.

We received many thousands of phone calls. Callers were assessed by trained staff as to whether their circumstances were within our Terms of Reference. If so, these people were advised that they could choose to have a private session.

The demand from people within our Terms of Reference who wanted a private session was immense. As a consequence of this demand, many people had to wait for 12 months or more before they were able to attend a session.

Conduct of private sessions

A trauma-informed approach was adopted to the conduct of private sessions and surrounding processes. This meant we had to be aware of the diverse and far-reaching impacts of childhood trauma on survivors. We engaged people in ways that affirmed their experiences and responses while minimising interactions or processes that could increase their trauma. Being highly responsive, respectful and transparent was particularly important to us, to ensure survivors trusted the Royal Commission processes and felt safe.

Private sessions generally took about one hour and were conducted by one or more Commissioners, with the assistance of a Royal Commission officer. The attendee could also bring a support person of their choice to their private session. If people could not attend in person, or wished to speak to a Commissioner of a particular sex, we endeavoured to accommodate these wishes. This included offering people the opportunity to attend their private session by telephone. Approximately 5.1 per cent of people chose to have a private session by telephone.

Private sessions did not follow a rigid structure. It was up to each attendee how and to what extent they would detail their experiences. They were provided opportunities to share their experiences, the impact of the abuse and trauma on their lives, and their suggestions for better protecting children in the future.

The manner in which private sessions were held was adapted to enable the Royal Commission to meet the needs of all people and groups of people who wished to talk to us about their experiences. In addition to identifying the needs of attendees prior to the private session, Commissioners adapted to the needs of attendees that became evident on the day of the private session.

To provide survivors in regional and remote Australia the opportunity to tell their story, Commissioners and Royal Commission officers travelled to conduct private sessions. Private sessions were held in a variety of remote and regional areas including the Kimberley, Tiwi Islands, Townsville, Hervey Bay and Traralgon. Commissioners also travelled to prisons in regional locations.

Private sessions attendees were supported by a Royal Commission counsellor at the immediate conclusion of the private session and were telephoned by a counsellor within a week of their session. This ensured that attendees could talk about how they were feeling after their session, discuss any concerns, and be referred to local services for ongoing support if required. After a private session, attendees received a card signed by the Chair of the Royal Commission, thanking them for sharing their experiences.

Survivors who attended private sessions or provided written accounts before 31 October 2017 were also able to contribute to the book *Message to Australia*. The book is housed at the National Library of Australia and in all state and territory libraries, where it will be available to the public and preserved for future generations.

Experiences of attendees

For some survivors, telling their story to a Commissioner in a private session was the first time they had disclosed the abuse. For others it was the first time in their life they had been heard by someone in a position of authority. One survivor told us, 'After 50 years I finally feel I've been heard. People have listened to me before, but no one has really heard me'.⁸ Many survivors reported that private sessions were a powerful experience.⁹

It was fundamental to the wellbeing of a survivor that they understood the private session procedure and the process in which they were to engage. Resources were supplied and support was available to ensure that every survivor understood and was comfortable with how the private session would be conducted.

We endeavoured to mitigate potential further harm by being alert to the diverse and far-reaching impacts of childhood trauma on survivors. We engaged with people in ways that affirmed their individual experiences and responses, and provided them with choice while minimising interactions or processes that could increase their trauma.

A focus on transparency, respect and responsiveness was important to ensure that survivors and advocates felt they could trust the Royal Commission. For example, we told survivors about our often lengthy waiting lists for a private session and provided support to help people confront the challenges this posed. We understood that, for some survivors, attending a private session was extremely difficult. We responded to survivors who were not able to attend their first scheduled private session by offering subsequent opportunities.

To assist people who had experienced institutional child sexual abuse, the Australian Government funded counselling and support services during the term of the Royal Commission. These services were independent of the Royal Commission. Victims and survivors could be referred to these services at any time, including before a private session.

People could also receive information and advice from knowmore, a free, confidential legal service, funded by the Australian Government, that operated separately and independently of the Royal Commission. This service provided legal advice and information to help survivors navigate their options in speaking with, and providing information to, the Royal Commission.

Hearing of the experiences of survivors informed our understanding of the nature and scale of child sexual abuse in institutional contexts, the circumstances in which such abuse has occurred and the devastating impacts sexual abuse often has on the lives of those affected.

Private sessions informed our investigations, public hearings, and the development of Royal Commission recommendations.

Information provided to the Royal Commission during private sessions was confidential. The Royal Commission developed a number of ways to collect, securely manage and analyse private session information. This included completing a form for each private session which captured aspects of the attendee's story in quantitative format, and producing detailed, de-identified narratives of a selection of private sessions where the attendees had provided consent. This quantitative and qualitative information from private sessions has been used throughout this report in a de-identified manner.¹⁰ The quantitative information is drawn from the experiences of 6,875 survivors we heard from in private sessions held until 31 May 2017. There is more detail about the collection and analysis of this information in Volume 2, *Nature and cause* and Volume 5, *Private sessions*.

Management of private session waiting lists

Although many people faced a significant wait time for their private session, the Royal Commission had a number of processes in place to keep people informed and effectively manage the list of people waiting:

- We provided honest, transparent and realistic estimates to survivors regarding private session wait times, at the time of registration and throughout engagement.
- We issued regular updates via social media, stakeholder newsletters and the Royal Commission's website about private session wait times.
- Survivors were provided with direct contact details for their allocated Royal Commission Assessment and Inquiry Officer, in addition to the call centre, for any queries related to their private session, including timeframes.
- Survivors were actively referred to counselling services before private sessions commenced.
- We expedited priority private sessions for reasons including age, ill health and complex mental health concerns.
- Survivors received telephone calls from Royal Commission staff and a letter from the CEO, providing information and advice on expected wait times, differentiated by state/territory.
- We were flexible when survivors changed their mind about attending a private session. Survivors were free to choose not to proceed with a private session at any time through their engagement with the Royal Commission and were offered support to engage in a way they found most suitable.
- Once private sessions were booked, Commission staff sent personalised, discreet reminder text messages to many private session attendees the day before their private session. We also included a note in our private session confirmation letters about

what to do if survivors needed to reschedule their private session. The private session cancellation rate averaged 8 per cent (three private sessions per week) over the life of the Royal Commission.

- Where we received a last minute cancellation, we attempted to offer that private session opportunity to another survivor waiting in the queue. We developed a 'cancellation list' by asking some people approved for a private session whether they would be comfortable being contacted at short notice for a potential private session in their preferred location.
- We understood that for some survivors, attending a private session was extremely difficult. Royal Commission counsellors called survivors who were not able to attend their scheduled private session, to check on their wellbeing, discuss possible barriers to private session attendance and explore all options for sharing their story including by written statement, recorded interview or teleconference private session.
- When survivors were not able to attend their first scheduled private session, we responded by offering subsequent opportunities. Some survivors needed two or more opportunities to attend a private session. During the Royal Commission's final year, due to the large list of people waiting, survivors who were not able to attend their first scheduled private session were offered only one further opportunity to attend. Survivors could still share their story by submitting a written account if they chose not to proceed with a private session.
- During the Royal Commission's final year, private sessions staff and counsellors implemented an intensified case management approach to ensure survivors were well supported in the lead-up to their private session and that private session attendance rates were maximised.

Closure of private session registrations and exceptions

When the Royal Commission closed private session registrations on 30 September 2016, there were more than 1,800 survivors registered and waiting for a private session.

While new registrations for private sessions were not accepted after the closing date, the Royal Commission recognised that there would be a small group of people for whom refusing their application for a private session would be manifestly unfair. These requests were managed through an exceptions and review process and considered by the Chair of the Royal Commission on a case-by-case basis.

Engagement with prisoners in designated prisons in Tasmania, South Australia and the Northern Territory was not scheduled to take place until after 30 September 2016; therefore private sessions continued to be granted to inmates in these designated prisons for a limited time after the closure date to ensure they had the same level of access to the Royal Commission as inmates of correctional centres in other states and territories.

Non publication of the names of institutions

As at 31 May 2017, 6,961 survivors had spoken with a Commissioner in a private session. The Royal Commission had also received 992 written accounts by survivors in which many identified the institution where they told us they had been sexually abused. Some institutions were identified by multiple survivors, 310 (10.0 per cent) by five or more. The great majority of institutions were identified by a single survivor.

As previously outlined, the *Royal Commissions Act 1902* (Cth), which was amended to enable the Royal Commission to hold private sessions, provides that a person who appears at a private session is not a witness and does not give evidence to the Commission. The Act provides that a private session is not a hearing of the Commission. Nevertheless, the information provided in private sessions has informed our work and has been extensively cited in our reports. The Act allows the reporting of information relating to a person to be included in a report or recommendation of the Royal Commission if the 'information is de-identified'. The Act does not explain what is meant by de-identification.

The Commissioners considered whether to publish a list of the names of institutions identified by survivors in private sessions. Commissioners Atkinson, Fitzgerald and Murray believed this would be appropriate. Justice McClellan, Justice Coate and Commissioner Milroy came to a different conclusion. As a consequence and with the Commissioners' agreement, the Chair exercised his prerogative to determine the matter, which was not to publish.

The matter was discussed by the Commissioners on a number of occasions. Commissioners Atkinson, Fitzgerald and Murray who favoured publication and dissented from the ultimate decision, expressed a strong preference for reporting the names of institutions subject to multiple reports, conditional on appropriate safeguards and caveats accompanying such publication. They believed this course would be in the public interest because it would enable a better appreciation of the extent of child sexual abuse in institutions and may encourage the acceptance of the need for reform. They also believed that publishing the names of the institutions was consistent with the principles of transparency and public accountability and was an additional means by which the Royal Commission's task of 'bearing witness' could be advanced. They believed that publication of the names of institutions may help survivors to feel affirmed or validated and may encourage other survivors of abuse in the same or similar institutions to disclose or report their abuse.

Justices McClellan and Coate and Commissioner Milroy appreciated the view of Commissioners Atkinson, Fitzgerald and Murray. However, they were concerned that the publication of the names would have the effect that an institution would be named but would not be given any information about the survivor, the alleged offender or when the events occurred. This would leave the institution unable to respond to the concern of any parent or other person involved with that institution about the report of the abuse. We know that a great many survivors have not come forward to the Royal Commission. Justices McClellan and Coate and Commissioner

Milroy were concerned that publishing the names of the institutions about which we do have information would give a misleading picture of the number of institutions where abuse occurred and the number of incidents of abuse in those institutions across Australia. They did not believe the public interest would be best served by providing a list of institutions that did not reveal the full extent and frequency of abuse in all Australian institutions.

3.1.2 Written accounts

Written accounts allowed individuals who did not wish or were not able to attend private sessions to share their experiences with Commissioners. After the Royal Commission closed private session registrations in September 2016, individuals could still share their experiences in a written account. The Royal Commission received 992 written accounts between 8 April 2013 and 31 May 2017.

The phrase 'written account' refers to a letter, email or other document provided to the Royal Commission which describes or documents a person's experience of institutional responses to child sexual abuse.

Written accounts were one way for survivors to 'share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs'.¹¹

Practice guideline 1 established the process by which the Royal Commission would receive details in writing of an individual's experiences of responses to child sexual abuse in institutional contexts.¹²

There was no set format for written accounts. To assist with their preparation, the Royal Commission produced guiding questions for providing a statement or information to the Royal Commission.¹³ The accounts were confidential, unless permission was given to make the documents public.¹⁴

Many accounts were prepared specifically for the Royal Commission. Others had been prepared for different purposes, such as statements for court proceedings, redress schemes or other inquiries.

We assisted many people to document their experiences. We travelled to people's homes to take written accounts, particularly if they were housebound or in palliative care.

Like private sessions, written accounts informed our understanding of responses to child sexual abuse in an institutional context. Written accounts were used to identify systemic issues and to identify case studies for public hearing. Each written account was read by a Commissioner and acknowledged in writing by the Commissioner who read it. These written accounts formed part of the information we drew on to complete our work.

3.2 Hearings

Public hearings examined in detail the response of many institutions to child sexual abuse.

Public hearings:

- allowed survivors to tell their stories and the Royal Commission to bear witness to those stories and experiences
- examined and explored the response of institutions at the time
- examined systemic issues
- improved community awareness and understanding of child sexual abuse.

These hearings were open to the public and broadcast live on our website. Transcripts and exhibits from each public hearing were also made available on our website.

We also had the power to hold private hearings to assist our inquiry.¹⁵ In order for a hearing to be 'private', the presiding Commissioner made a direction that information about the hearing not be published to anyone except for the Commissioners, relevant employees of the Royal Commission, the witness and their legal representative.¹⁶

Each hearing was presided over by some or all of the Commissioners. Justice McClellan or Justice Coate presided over every hearing.

At a glance

The Royal Commission held 57 public hearings and 67 private hearings between September 2013 and March 2017. There were 444 public hearing days in total.

We heard from 1,302 witnesses during public hearings and examined the responses of 134 institutions. This included schools, religious institutions, youth detention centres, healthcare providers, orphanages and out-of-home care providers, sport and recreational organisations, centres for the performing arts and defence cadets forces. In many hearings, the responses examined extended beyond the primary institution in which the abuse occurred to the police, prosecuting authorities and government agencies, among others. A list of public hearings is in Appendix C.

The hearings were held in 11 different locations across Australia. The Royal Commission sat in every capital city at least once and in several regional locations. On occasion, the hearings involved people giving evidence remotely.

Table 1.3 – Public hearings at a glance

Public hearings	57
Institutions examined	134
Locations	Adelaide, Ballarat, Brisbane, Canberra, Darwin, Hobart, Melbourne, Newcastle, Perth, Rockhampton and Sydney
Hearing days	444
Witnesses	1,302
Notices to produce	3,574 notices to produce, resulting in 1,234,114 documents
Exhibits	2,255 exhibits, consisting of 28,962 documents
Transcripts	45,341 pages
Reports	35 case study reports published as at 31 August 2017

3.2.1 Senior Counsel Assisting

Ms Gail Furness SC was appointed as Senior Counsel Assisting the Royal Commission.

Other counsel were engaged from time to time to assist with hearings. A full list of counsel who assisted the Royal Commission is included in Appendix C.

3.2.2 Public hearings

Selection of ‘case studies’

We carefully chose the matters that were examined in a public hearing. This was due to the large number of institutions in which abuse is reported to have occurred, and the necessary limits of our resources.

To ensure our resources were used effectively, Senior Counsel Assisting applied criteria that we defined to identify appropriate matters and bring them forward as individual ‘case studies’.

We ensured that the hearings reflected a national approach and covered diverse institutions, from religious institutions, schools and sport and recreation organisations to out-of-home care providers and many others.

We also looked at factors such as whether:

- we had received a large number of allegations about a particular institution or group of institutions
- witnesses (both survivors and institutional staff) and documents were available
- the case study highlighted systemic issues.

The number of allegations received about a particular institution or type of institution was a key factor in the decision to hold a hearing. For instance, it was plain that hearings were needed to examine the responses of religious institutions, given that 58.6 per cent of survivors attending a private session reported abuse in those institutions. Of those survivors, 61.8 per cent reported abuse in Catholic institutions, necessitating a particular focus on the Catholic Church. An in-depth examination of the responses of out-of-home care and educational institutions was also clearly needed, with 41.6 per cent and 31.8 per cent respectively of survivors attending a private session reporting abuse in those types of institutions.

Although we had enough information to justify a public hearing into more than 1,000 institutions we were only able to look at 134 in a public hearing. The institutions we chose to examine in a public hearing were selected to enable us to provide an understanding of the problems which have existed across different types of institutions and in different parts of Australia. Care was taken not to duplicate the work of previous inquiries.

Public hearings advanced our understanding of systemic issues. We learned from past approaches, good and bad, so that our findings and recommendations for the future had a secure foundation. In some cases, the lessons we learned related to one institution only. In many others, they were relevant to many similar institutions across Australia.

Preparation for public hearings

Each of our public hearings followed intensive investigation by Royal Commission staff and Counsel Assisting.

To prepare for public hearings, we usually:

- issued notices or summonses to produce specified documents and data¹⁷
- reviewed these documents and sought further information
- identified and interviewed potential witnesses
- prepared witness statements
- sought statements from institutional representatives
- prepared a bundle of documents to be tendered for the hearing
- engaged experts to advise us and, if necessary, give evidence
- identified the scope and purpose of the hearing.

The Royal Commission announced the details of public hearings on its website and through the media. This included the ‘scope and purpose’, usually published around four weeks before a hearing, which detailed the matters to be examined.

If individuals or institutions wanted to take part, they had to apply to the Royal Commission for ‘leave to appear’. We usually advised people beforehand if adverse evidence was likely to be given against them. They could then apply for leave to appear.

The Chair or presiding Commissioner granted or declined leave to appear, based on whether the applicant had a direct or substantial interest in the hearing. Leave was usually only granted to those with an interest in the factual account that would be given and to those who would be called as a witness. People with an interest in the subject matter more generally contributed to our work through other public forums and by responding to issues papers.

Table 1.4 – Leave to appear

Leave to appear applications	913
Leave to appear granted	706

Practice guidelines

The Royal Commission issued four practice guidelines to inform preparations for, and the conduct of, hearings.

Table 1.5 – Practice guidelines

Guideline	Summary
1	Provided guidance on a range of matters, including: <ul style="list-style-type: none">• informing the Royal Commission about experiences of institutional responses to child sexual abuse in institutional contexts• applying for leave to appear for a hearing• anticipated adverse findings• the effect of current criminal or civil proceedings• accessing evidence (for example, non-publication directions)• the standard of proof applied by the Royal Commission.
2	Explained how to produce material to the Royal Commission under a notice to produce or summons.
3	Provided guidance about the type of information to provide to the Royal Commission – for instance, in a written statement, including personal details and information about the abuse experienced, the institutional response and any support received.
4	Set out the way the Royal Commission would receive and consider claims of legal professional privilege with respect to documents and other communications sought under a notice to produce or summons.

All practice guidelines were published on the Royal Commission’s website.

Witnesses

Witnesses at hearings included survivors, institutional representatives and staff, lawyers and subject-matter experts. Counsel Assisting decided who would be called and when; some witnesses gave evidence more than once.

Parties with leave to appear at a hearing could apply to Counsel Assisting for other witnesses to be called. They generally had to supply a signed statement that explained what evidence the witness would give. If Counsel Assisting refused their request, they could apply to the Chair or presiding Commissioner for permission to have the witness give evidence. There was no application made in this regard. All requests were resolved between Counsel Assisting and the person making the application.

Witnesses faced penalties for providing false or misleading information.¹⁸

We advertised nationally that we would be holding public hearings, in an attempt to ensure that any interested parties were aware of the hearing and could come forward if they wished. We often found that there was an increase in the number of survivors contacting us in the lead-up to, during and after a public hearing.

Protecting witnesses

As our hearings were open to the public, and were live streamed on the internet, we took steps, where appropriate, to protect the identity of witnesses.

The Chair or presiding Commissioner issued directions not to publish information. These directions were made pursuant to the relevant provisions of the royal commissions legislation.¹⁹ Information not to be published included the person's name and other information that might identify them. Directions were also issued requiring pseudonyms (for example 'AA') be used for some individuals.

Several factors were considered when making decisions about non-publication orders, including any prejudice that might flow from publication, the public interest in exposing matters related to our Terms of Reference, and legislative requirements preventing us from identifying institutions (such as schools) in certain circumstances.²⁰

We made 467 non-publication orders, with 97 of these subsequently lifted wholly or in part.

Supporting witnesses

We made special arrangements for witnesses giving evidence to:

- protect their wellbeing
- respond to any reasonable need – for instance, arising from a disability.

Survivors were invited to read their statements, have a support person with them when giving evidence and/or have another person read the statement for them. Survivors could give evidence remotely via video conference or from a specially designed room on the Royal Commission premises.

Our witness support staff helped witnesses understand the role they played in proceedings so they knew what to expect. That included giving a tour of the hearing room and an explanation of the legal processes and protocols. Our staff members were present throughout the hearing to support witnesses, accompany them to and from the room, and arrange counselling and support services as required.

We also referred some witnesses to knowmore, an independent legal service established by the Australian Government to provide free legal advice and assistance to people engaging with the Royal Commission. Witnesses who were summoned to attend a hearing could access two types of financial assistance:

- legal financial assistance to cover reasonable costs of legal representation and disbursements (provided by the federal Attorney-General's Department)
- a daily appearance fee to assist with the costs of attending a hearing (provided by the Royal Commission). Some witnesses were also entitled to payments for travel, accommodation and lost income.

Standard of proof

In reaching findings, the Commissioners applied the civil standard of proof. This standard required the Commissioners' 'reasonable satisfaction' as to the particular fact in question, in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336 at 362-3:

it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal ... the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.

After a public hearing

Submissions

After each public hearing, Counsel Assisting made written submissions that set out the evidence and findings available to Commissioners based on that evidence. The submissions were provided to those with leave to appear and those who were at risk of an adverse finding, allowing the opportunity to respond to Counsel Assisting's submissions. The submissions were usually subjected to a non-publication order until all parties had replied. This was done to promote balanced reporting and avoid possible distortions before all parties had an opportunity to put their position on record. Once the non-publication order was lifted, submissions were generally published on the website.

Case study reports

The findings of the presiding Commissioners from each public hearing were set out in a 'case study report'. Case study reports were submitted to the Governor-General and the governor of each state and the chief ministers of the territories, tabled in the Commonwealth Parliament, and

most were made publicly available. By 31 August 2017, 35 reports had been published. A number of policy and review hearings were not the subject of a case study report. Instead, information gained from these hearings was incorporated into this Final Report and other reports, where appropriate. A list of the case study reports published is included in Appendix E.

In relation to some case studies, criminal proceedings commenced before, during or after the completion of our evidence and before the finalisation of the case study report. Our Terms of Reference required that our inquiry not prejudice current or future criminal or civil proceedings.²¹

Consequently, in three case study reports we made redactions to material that might prejudice relevant criminal proceedings. We recommended to the Australian Government and to state and territory governments that the redacted version of each of those case study reports be tabled and published. We further recommended that those case study reports be published in unredacted form at the conclusion of relevant criminal proceedings.²² Where we refer in this Final Report to case study reports which have been tabled with redactions, we apply the same redactions in this Final Report. We have recommended that relevant parts of the Final Report be published in unredacted form at the conclusion of relevant criminal proceedings.

In two case study reports, redactions would not have been sufficient to address potential prejudice to relevant criminal proceedings. In relation to those case study reports, we recommended to the Australian Government and to state and territory governments that they not be tabled and published until the conclusion of relevant criminal proceedings.²³ In this Final Report we have referred to transcripts and exhibits from those two case studies where that material does not prejudice relevant criminal proceedings.

3.2.3 Private hearings

We had the power to hold private hearings to assist our inquiry.²⁴

We held a number of private hearings for varied reasons. Some hearings were held in private because of the need to protect children involved or to comply with legislation in particular states. Others had the purpose of allowing us to determine whether it was appropriate for the evidence of a witness to be made public or for there to be a public hearing held in relation to a particular institution.

There were instances where a direction not to publish information relating to evidence given in a private hearing was varied to allow the publication of that information in a public hearing, for example, where the evidence provided at the private hearing conflicted with the evidence given in the public hearing.²⁵

No evidence given in a private hearing was relied upon by the Commissioners in making any findings in case studies, unless it had been subsequently made public.

3.3 Policy and research

The Royal Commission had an extensive policy and research program that drew upon the findings made in public hearings and information from private sessions, as well as generating new evidence through research.

3.3.1 Policy

Our policy program drew upon the findings made in public hearings, information from private sessions and written accounts, and research.

We had several policy mechanisms at our disposal to develop strong and implementable recommendations. We consulted widely with survivors, members of the public, academics, policymakers, and representatives from government and non-government organisations, regulatory bodies and advocacy groups. To do this we:

- released issues and consultation papers to solicit submissions and inform further discussions
- held roundtables, expert consultations, and forums
- held public and private hearings on policy issues.

At a glance

Table 1.6 – Policy consultations at a glance

Issues papers	11
published submissions received	621
Consultation papers	5
published submissions received	410
Public roundtables held	7
Private roundtables held	28
Roundtable locations	Canberra and Sydney
Commissioner-led community forums	44
Consultations with young people	6 (Darwin, Hobart and Sydney) and 3 consultations with young people in youth detention centres

Issues papers and consultation papers

The Royal Commission released 11 issues papers and five consultation papers on topics related to our work. This provided organisations and individuals with the opportunity to contribute to our consideration of systemic issues. Issues included the provision of advocacy and support and therapeutic treatment services, experiences of police and prosecution responses to reports of child sexual abuse, and preventing child sexual abuse in out-of-home care.

Our policy processes were strengthened by the high number of detailed submissions to these papers. We received over 1,000 submissions, the majority of which were published on the Royal Commission website. Those making submissions were also able to request that their submission be kept private.

If any material raised concerns about privacy or fairness, the Royal Commission removed the material or decided not to publish the submission at all. The author of the submission was advised about such a decision.

A list of issues papers and consultation papers, along with the numbers of submissions received, is in Appendix D.

Roundtables

The Royal Commission held both public and private roundtables on various topics, often related to the release of a specific issues paper. Roundtables were generally convened by at least one Commissioner and enabled government and non-government representatives, regulators, policy experts, academics, survivors and advocacy groups to discuss key policy issues.

We invited people with specific expertise to participate in these discussions, while making transcripts and audio recordings of public roundtables available on our website for the public to access.

Private roundtables allowed for more focused consultation with invited participants and a forum for participants to directly exchange views with each other. Transcripts and recordings were not published, and public access was not granted.

A list of the public roundtables we held is in Appendix D.

Policy hearings

In addition to the public hearings we held to examine child sexual abuse within particular institutions, we also conducted a number of public hearings which focused on broader policy issues in relation to specific institution types or particular topics – for example, out-of-home care and redress.

We also held a number of institutional review public hearings in late 2016 and early 2017 to inquire into the current policies and procedures of a selection of institutions that had been the subject of an earlier Royal Commission case study. These public hearings did not examine individual sets of facts or particular events, as had occurred in earlier Royal Commission case studies.

3.3.2 Research

In order to make recommendations we needed to understand more about child sexual abuse in institutional contexts. The Royal Commission established a program of research to answer some key questions and respond to gaps in the Australian and international evidence base. We commissioned and conducted research in three broad categories:

- descriptive research to establish necessary background information
- primary research to fill critical evidence gaps
- research that summarised existing findings about child sexual abuse in institutional contexts, as well as practices that successfully prevent or respond to it.

Through the generation of robust research findings, we aimed to build a strong evidence base for how to ensure institutions are safer for children. Our research agenda had eight themes:

- understanding the extent of, risk factors for and dynamics of child sexual abuse in institutional contexts
- preventing child sexual abuse in institutions, including primary and secondary prevention for victims and preventing offending
- identifying child sexual abuse in institutional contexts
- institutions of interest
- responses of institutions where child sexual abuse has occurred
- responses of government and statutory authorities
- responding to the treatment and support needs of victims/survivors and their families
- avoiding duplication and having a positive impact.

Further details about these themes are included in Appendix F.

Quality assurance

We engaged a Professorial Fellow, Leah Bromfield,²⁶ to provide guidance about the execution of our research program and ensure the quality of the research. To this end, we also convened several advisory groups who provided specialist advice on specific issues or projects.

In addition to appointing our Professorial Fellow, we adopted a range of mechanisms to assure the quality of our research. All of our published research was subject to the following quality assurance process:

- initial review of reports by Royal Commission staff with relevant research and/or content expertise
- double-blind peer review by two independent, expert reviewers
- editorial review by the Professorial Fellow.

Publication of research

While we were aware of the value of our findings, the sensitivity of the matters our research addressed required us to assess its suitability for publication with care. Prior to publishing each piece of research, we asked whether publication would meet certain criteria. That is, would it:

- serve the best interests of the community – we asked whether our research would inform practice, service planning and development or policy to prevent sexual abuse, or enhance responses to sexual abuse or its disclosure
- fulfil ethical considerations – we asked whether our research was appropriately de-identified, whether it had undergone appropriate ethical approvals and reviews, whether any distress caused by publication would be outweighed by the benefit publication would have to the community, whether the research was commissioned for operational purposes, whether the research findings included opinion that could be interpreted as findings of the Royal Commission, and whether publication would undermine possible criminal or civil proceedings or our public hearings
- make a contribution – we asked whether the public circulation of our research findings would better inform prevention, policy development or service planning and development and whether the information would continue to be accessible after the release of our Final Report
- represent value for money – we asked whether the outcome of the research provided value for money.

We published 52 research reports. A further seven reports will be published upon the completion of the Royal Commission's inquiry. Where appropriate, these reports were published on the Royal Commission's website. A full list of published research reports is in Appendix E.

3.4 Engaging with the community

To successfully conduct our inquiry we needed to ensure that we heard from all relevant and interested people and developed practical and useful recommendations reflective of the experiences of survivors. We anticipated there would be barriers to engaging with the Royal Commission for many survivors, and in particular among groups where we knew the prevalence of child sexual abuse in institutional contexts was high. These hard-to-reach groups needed targeted engagement strategies to ensure that we had the best possible evidence and information about institutional responses to child sexual abuse to guide our work.

Targeted engagement strategies, set out below, were aimed at connecting us with as many people as possible from a wide cross-section of the community. This cross-section included local governments, academic and other experts, law and other policy groups, those in the criminal justice system, those in the psychiatric and other health systems, and key community and government organisations. We adopted different methods to ensure that survivors and stakeholders could provide input to the Royal Commission's work and that they had trust and confidence in our processes. For some survivors, this trust was the difference between remaining silent and sharing their story with us at a private session, at a public hearing or in a policy submission.

The community engagement component of the Royal Commission's inquiry aimed to offer people in all parts of Australia the opportunity to articulate their experiences and views in ways that suited them. It raised awareness of our work and improved the accessibility of our processes.

3.4.1 Our approach to community engagement

The Royal Commission's approach to community engagement aimed to:

- provide information about the work of the Royal Commission and encourage participation in the Royal Commission from communities across Australia
- enable survivors to engage with the Royal Commission, by being responsive, transparent and flexible and removing barriers where possible
- inform advocacy groups of our ongoing activities and maintain productive relationships with these groups
- facilitate greater access to the Royal Commission by engaging academics, peak bodies and community groups to enhance community understanding of processes
- work with organisations across Australia that in turn would support victims and survivors to come forward to the Royal Commission to tell their stories

- improve the rigour of our learnings by encouraging individuals and organisations across Australia to engage in our policy, research and hearings processes
- develop and maintain trust through transparent, respectful and collaborative processes.

From initial contact through to the closure of the Royal Commission, a trauma-informed, flexible and responsive approach formed the basis of our engagement with survivors, their families, stakeholders and the community.

3.4.2 Community engagement strategies

The Royal Commission undertook targeted engagement through a number of methods.

A community-led, outreach approach

Community forums and meetings provided opportunities for face-to-face interaction with groups in different regions and sectors. People were able to speak directly with the Commissioners and ask questions about Royal Commission aims and processes, and voice their views on important policy issues.

We held forums in all capital cities and many regional locations. Some of these were targeted towards particular groups, sectors and communities who needed a safe space to share their ideas. We also hosted thousands of meetings with organisations that were directly affected by or interested in our work or covered by our Terms of Reference.

The Royal Commission recognised that direct interaction between survivors and the Commissioners was an important way for survivors and stakeholders to feel that their views and experiences were being heard, and for Commissioners to more deeply understand the impact of institutional child sexual abuse and how it might be prevented in the future.

Commissioners engaged with communities across Australia not only through case studies and private sessions but also through grassroots-level community events in all settings, ranging from remote Aboriginal and Torres Strait Islander communities to the offices of survivor advocacy support groups. Commissioners also regularly spoke at conferences and other community events to provide updates about our inquiry.

Overcoming barriers to engagement for particular groups

We put in place strategies to help overcome additional barriers to engagement faced by many survivors. These strategies included:

- creating communications materials for specific audiences, in different languages and formats
- conducting targeted community events, in response to feedback about particular needs
- spending significant time with communities over repeated occasions in order to establish relationships and trust
- implementing special protocols and safeguards for children and young people to be heard
- making private sessions available in correctional facilities
- training frontline staff across the Royal Commission in disability awareness, cultural awareness and working with interpreters and translators.

Working with different groups or communities required a tailored approach that utilised a combination of these strategies.

Aboriginal and Torres Strait Islander peoples

Dedicated Royal Commission Aboriginal staff worked directly with Aboriginal and Torres Strait Islander communities to ensure engagement took place in a culturally safe and appropriate manner. Commissioners and staff travelled extensively to various cities and regional areas across Australia²⁷ to build relationships. We connected with a range of stakeholders in these communities including Elders; community members; land councils; Stolen Generations groups; Aboriginal health; legal and children's services; and other Aboriginal and Torres Strait Islander community organisations, to obtain permission and build support for our work. We also worked with survivor groups from particular institutions, and held survivor gatherings or consultations in a number of regional and remote communities. Our Aboriginal staff were critical to reducing barriers to engagement and building trust.

The five-year duration of our inquiry allowed time for some of those communities to develop trust in the Commission. Many engagements with communities took years to develop and may not have been possible in a shorter timeframe. Through our model of engagement with Aboriginal and Torres Strait Islander peoples, we were able to conduct a number of culturally appropriate community consultations, healing activities and private sessions.²⁸

Additionally, the Royal Commission received a number of written submissions from Aboriginal and Torres Strait Islander people, community leaders and organisations and held specific roundtables and hearings that highlighted issues from diverse Aboriginal and Torres Strait Islander perspectives.

Children and young people

Children have a right to participate in decisions that affect them. Engagement with children and young people who had experienced sexual abuse in institutions helped to ensure the Royal Commission's recommendations reflected contemporary experiences and considerations. However, we were aware that children often face particular barriers to their participation in decisions and other processes conducted by adults. We worked with children and young people and their parents and guardians and identified ways we could support those who wished to speak with us.

The Royal Commission developed procedures for when a child or young person made contact. These procedures included:

- reporting any relevant risks of harm to proper authorities, to ensure the child's immediate safety
- referring the child to counselling or support services
- appointing a Royal Commission contact person
- providing a support person where appropriate
- calling and questioning child witnesses
- respecting the child's privacy
- where appropriate, seeking informed consent from children and their parents.

We also heard from broader groups of children and young people about safety in institutions. Commissioners engaged directly with young people via consultation forums, conferences and workshops to discuss our policy work, and children and young people also participated as experts in some of our roundtables and hearings. In addition we spoke with youth advisory and representative groups across the country as well as organisations advocating for young people.

Commissioners also heard from young people in youth detention centres. Between October and November 2016, we held consultations with young people in three different jurisdictions. Commissioners and staff met with young people who had been detained as well as staff and volunteers who worked at each centre, including Official Visitors, Community Visitors, Aboriginal Welfare Officers, medical staff, social workers and psychologists.

People with disability

We worked with people with disability and their advocates to provide tailored assistance to those who wished to come forward to tell their story. We provided communication support workers and interpreters to enable people to take part in private sessions and public hearings and trained our staff in inclusive practice. We went to people's homes where physical conditions prevented them from travelling to us.

We developed a range of specific communication materials including plain-English pictorial and video resources and Auslan-captioned forums and live streams to respond to different cognitive and communication needs. We also met and worked closely with peak disability and advocacy organisations across Australia and supported their engagement in policy processes, including through disability forums in every capital city and a roundtable and hearing specific to disability issues.

We held several forums for victims and survivors with disability, including an Auslan community forum in 2014 which specifically engaged with people who are deaf or hearing impaired. Approximately 50 people attended the Auslan event, and support was provided through a deaf community social worker and counsellor fluent in Auslan. The event was live streamed, captioned, and translated into Auslan to reach the deaf community nationwide.

Multicultural communities

Many cultural and language communities require additional assistance to access services and inquiries such as ours. We held private meetings with community advocates and leaders to seek the most effective way to engage with people from culturally and linguistically diverse backgrounds. Commissioners also led public multicultural forums in each state and territory. The purpose of these forums was to:

- start a public conversation with multicultural communities about their issues and needs in relation to institutional child sexual abuse
- encourage leaders from multicultural communities to engage in the policy work of the Royal Commission
- inform the Royal Commission of priority issues that are different for victims and survivors from culturally and linguistically diverse backgrounds, to be included in the Final Report.

The forums have made a significant contribution to our work.

Interpreters and advocates were enabled to attend private sessions so that survivors felt comfortable to tell their story. We translated our factsheets into more than 10 languages and made them available on our website.

Survivors in prison

We worked with the Correctional Services Commissioner in each jurisdiction to improve access to the inquiry for inmates and prisoners who had experienced child sexual abuse.

We engaged directly with inmates in 102 correctional centres, often visiting people in cells, prison yards or education areas to speak with them directly. Commissioners held 493 face-to-face private sessions in correctional centres across the states and territories. We spoke to a total of 713 survivors who were in prison at the time of their private session, which represented 10.4 per cent of all survivors we heard from in private sessions. We also received 182 written accounts from survivors in prisons.

To ensure inmates were provided with the best environment to share their story, we adopted the strategies of:

- arranging for channels of communication in centres to be completely confidential so that intelligence staff did not monitor phone calls or letters in relation to the Royal Commission's work
- working with inmate development committees to provide information on our work so that inmates were well informed about the scope of the inquiry and how they could tell us their stories
- running information sessions and training for uniformed and non-uniformed staff in correctional centres.
- specific engagement work with Aboriginal and Torres Strait Islander inmates.

We also developed a suite of specific communication materials, which were translated into five languages and included infographic posters. A three-minute film was shown in some correctional centres nation-wide.

More information on our private sessions with inmates is available in Volume 5, *Private sessions*.

Rural and regional communities

We provided focused engagement in many regional, rural and remote areas around Australia.²⁹ We held forums and meetings to increase both awareness of our work and engagement with local organisations and victims. A number of rural and regional communities told us about child sexual abuse and institutional responses that became case studies. Services in the regions also provided important insights into the support needs and experiences of survivors in different parts of the country.

Representatives from rural and regional communities attended some policy roundtables to ensure their unique experiences were included in our work.

People experiencing mental illness

A range of flexible and responsive support measures were put in place to provide a safe environment for survivors with mental illness.

We provided resources to the mental health sector through peak and professional organisations, to support frontline workers who might receive an increase in disclosures resulting from public attention on the Royal Commission. Many survivors were affected by hearing about the Royal Commission's work, regardless of whether they chose to share their stories with us. We provided these survivors with access to support services and systems, including through referrals to organisations funded to support the work of the Royal Commission.

Older people

Many older people experienced child sexual abuse as children in care in large institutions during the mid-20th century. We worked with advocates and other stakeholder groups to ensure older people were able to engage with and be informed about the Royal Commission's work.

We travelled to people's homes to take written accounts, particularly if they were housebound or in palliative care. We also worked with government departments to distribute information materials to each aged-care facility in Australia as part of our national awareness campaign.

People experiencing homelessness

Many people who are experiencing homelessness have experienced sexual abuse as a child.³⁰ Through advocates and service providers we provided information about the Royal Commission to people experiencing homelessness. We also worked with peak bodies to develop a strategy to allow people to speak with Commissioners in a way that took into account their special circumstances and needs. We met with homelessness services and peak groups and advertised our work in targeted media including *The Big Issue*.

National public awareness campaign

A national public awareness campaign launched in April 2014 explained the role of the Royal Commission and encouraged people to come forward and share their story. The campaign targeted mainstream audiences as well as hard-to-reach groups through radio, print and digital media. It complemented existing communication channels such as our website and social media, community forums and engagement through stakeholders, direct mail and call centre.

As part of the public awareness campaign, information brochures and posters were distributed nationally through various locations and organisations including local councils, libraries, Centrelink and Medicare offices, police forces in each state, GP clinics, Aboriginal community organisations and health providers, business and industry networks, support and counselling service providers, aged-care facilities, and advocacy groups.

We also implemented a national communications campaign to accompany the announcement of 30 September 2016 as the closing date for registrations for private sessions.

A single first point of contact

A large number of people contacted us when our dedicated call centre was first established. Many of these people were survivors wishing to know how they could share their experiences. Journalists, institutions and the general public were able to make contact with the Royal Commission via the call centre and have their questions answered.

The call centre played an important role in being the first point of contact for many survivors. Initially, staff answering the Royal Commission telephone line were not trained counsellors, and we identified a range of issues in being able to respond to survivors' needs. The Royal Commission recognised after its first 12 months of operation that a specialist first point of call was required. Medibank Health Solutions was contracted in 2014 to provide a counsellor-led model to respond to traumatised callers sensitively.

Providing real-time updates and access to information

Social media and email alerts were used over the life of the Royal Commission to share information quickly, to interact with our audience and to provide real-time updates. Many survivors and other groups including organisations, advocates, journalists, researchers and community members interacted with us via social media. Around 3,500 individuals or organisations subscribed to our email information alert service.

3.4.3 Engagement through media

Traditional media

There was considerable public interest in the Royal Commission, and the media played a critical role in helping us keep a broad audience informed of our work. We established a dedicated media and communications unit to ensure that the media had the best possible understanding of the issues and that the right information was reaching the community.

We provided information to the media where appropriate and responded to thousands of media enquiries and requests for information. We also developed guidelines for media reporting on our work. These guidelines encouraged reporting in a transparent and respectful manner which balanced the need for open and informed coverage with the need for individual privacy.

Regular distribution of media releases helped to promote key events and milestones of interest to the community, including each public hearing, private sessions milestones and the release of issues papers.

Footage from our public hearings was made available to TV networks and was often broadcast live via ABC News 24 and sometimes by Sky News.

The media played an important role in helping change the national conversation about institutional child sexual abuse. We expect it will continue to have a role in furthering public understanding of the nature, scope and impact of institutional child sexual abuse beyond the life of the Royal Commission.

Online information

Our website, www.childabuseroyalcommission.gov.au, was an important component of the Royal Commission's engagement with the community. It was used to share information about the inquiry and the scope of our activities. Features of the website included:

- a schedule of public hearings and private sessions
- live streaming of public hearings
- transcripts and exhibits associated with each case study
- issues papers and submissions in response
- brochures and factsheets, with an online ordering facility
- videos
- details of our research and policy program
- transcripts of speeches made by Commissioners and the CEO of the Royal Commission
- all reports including interim reports, case study reports, research reports and the Final Report.

This online presence enhanced the capacity of the media both in Australia and internationally to cover the work of the Royal Commission.

More than 1,211,450 people visited the Royal Commission website over the course of our inquiry.³¹ Streaming live hearings on our website reflected our commitment to the principles of transparency and accessibility. It also allowed people to watch proceedings with anonymity. Between 16 September 2013 and 31 March 2017, our public hearings were viewed over 880,000 times, with a daily average of 4,766 viewers.

Our public hearings captured international attention, with viewers from: Argentina; Austria; Belgium; Bolivia; Brazil; Cambodia; Canada; Chile; China; Colombia; Czech Republic; Denmark; Estonia; Finland; France; Germany; Honduras; Hong Kong; Hungary; Indonesia; Ireland; Israel; Italy; Japan; Laos; Luxembourg; Macau; Madagascar; Malaysia; Mexico; Morocco; the Netherlands; New Zealand; Norway; Pakistan; Palestinian Territories; Papua New Guinea; Peru; the Philippines; Poland; Portugal; Puerto Rico; Romania; Russian Federation; Singapore; Slovakia; South Africa; South Korea; Spain; Sri Lanka; Sweden; Taiwan; Tanzania; Thailand; Timor-Leste; United Kingdom; USA; Vietnam; Uzbekistan; and Zambia.

Case Study 28: Catholic Church authorities in Ballarat, which was held for 31 days over 2015 and 2016, was the most viewed public hearing. This included a total of almost 54,000 views over the course of the hearing, primarily from Australia (51,594), the USA (563) and the UK (848). The public hearing of *Case Study 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse* was the most streamed hearing abroad, with a total of 22,073 views over the course of 21 days. This included over 3,000 views from the USA, and just over 600 views from Canada. *Case Study 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions* was the second most internationally viewed public hearing, with a total of 56,680 views over the course of 12 days. The top three countries to view this hearing were Australia, USA and Israel.

Social media

In 2013 the Royal Commission established Facebook, Twitter and YouTube accounts to encourage a dialogue about our work with survivors, stakeholders and the community.

While the use of social media may be uncommon for a Royal Commission, it offered a familiar, accessible and responsive channel for those we needed to connect with.

Our Facebook page has been used to announce public hearings, provide private sessions updates and promote public consultations and the release of our reports. It has featured 900 posts. The Royal Commission's page has garnered in excess of 6,000 followers and achieved an audience reach of more than 870,000.

The Royal Commission Twitter account has gained more than 6,000 followers including journalists, politicians, survivor groups, agencies, stakeholder organisation and community members. The channel has been used to issue announcements and Royal Commission staff have live tweeted events including public hearings, Commissioners' speaking engagements and research symposia.

Our YouTube channel has streamed diverse content including private sessions audio stories, a series of short question and answer videos about our work, in Auslan, and information about the closure of the private sessions queue. Since starting in September 2013, the channel has gained 280 subscribers and our videos have been viewed on more than 25,000 occasions.

We developed community guidelines for the Royal Commission Facebook page. We monitored social media channels during business hours, except for YouTube where the comment function was disabled. We were mindful that some of our audience may find some of the issues raised in social media distressing. In these instances, posts to our accounts were referred to the Counselling and Support team for advice and, if required, follow-up.

3.5 Operations of the Royal Commission

The Office of the Royal Commission (the Office) was established in January 2013 to support Commissioners to complete their work under the Terms of Reference. The Office was led by a Chief Executive Officer, who was supported by a team of senior executive officers.

We established branches aligned to the key activities of the Royal Commission:

- The **Office of the Solicitor Assisting** was responsible for providing the Royal Commission with legal and investigatory support including the planning, preparation and delivery of public hearings. It included hearings teams, as well as the strategic investigations and practice management units.
- The **Assessment and Inquiry** team engaged with people who contacted the Royal Commission. They determined the appropriate pathways for individuals, such as offering a private session if the person's experiences were within our Terms of Reference; provided investigation support; and performed intelligence analysis. A senior police officer seconded to the Royal Commission led the team and communicated relevant information to police in all jurisdictions under section 6P of the *Royal Commissions Act 1902* (Cth).
- The **Engagement and Support** branch was responsible for the coordination and support of private sessions; providing counselling and support services, including the intake hotline; and community engagement and witness support functions.
- The **Special Projects Taskforce** undertook targeted investigations and hearings.
- The **Policy and Research** branch developed policy recommendations, prepared the Final Report and managed our research program under the direction of the Commissioners.

Enabling services branches were also established:

- The **Operations** branch provided corporate services and logistical support including finance, human resources, property, security, travel and hearings coordination.
- The **Information Services, Planning and Governance** branch managed all information management and technology services.
- The **Media and Communication** team was responsible for public communications, our website, advertising and publications as well as all internal and corporate communications.

3.5.1 Our people

Our inquiry required staff with diverse professional experience and expertise. Our workforce comprised a wide spectrum of professionals including analysts, lawyers, police investigators, policy specialists, psychologists and counsellors, researchers, writers and editors. Enabling services included staff who were experts in finance, human resources, information management, technology, media and communications, procurement, and protective security. Women made up about 70 per cent of our workforce. Almost half of all staff were under 34 years of age.

At the peak of our operations in October 2016, around 325 staff and contractors were engaged by the Office. Over 700 staff and contractors contributed to the work of the Royal Commission over its five-year term. Commissioners thank all staff for their contributions to the work of the Royal Commission. A list of staff of the Office is in Appendix H.

The majority of staff were employed on non-ongoing Australian Public Service contracts with the Attorney-General's Department. Staff were also engaged on temporary transfers from other federal public sector agencies; secondments, including from the Australian Federal Police and state police forces, and other state government agencies; and labour hire arrangements. In addition, we had a number of contractual arrangements with a variety of service providers which covered one-off services.

Staff were provided with professional development opportunities across a number of areas, including in leadership and people management skills, which helped team leaders support their teams' work with complex subject matters. The learning and development program ensured all staff could quickly complete compulsory training, including sessions to deal with vicarious trauma, which was a significant aspect of Commission life. Staff were supported in their ongoing career development, to assist in transitioning to new work once the Royal Commission finished.

3.5.2 Supporting staff wellbeing

Commissioners and many Royal Commission staff members had high exposure to disturbing information and personal accounts of child sexual abuse. Exposure to these personal accounts, particularly over extended periods of time, can have significant impact on staff, including the risk of vicarious trauma. We considered this a significant risk to the wellbeing of staff and our ability to complete our task.

In an attempt to mitigate this risk, we developed a comprehensive staff support framework that helped staff build resilience, helped them to recognise the early signs of vicarious trauma and provided appropriate strategies and activities to manage wellbeing. This program included bimonthly staff wellbeing checks with trained counsellors, access to additional counselling, peer support and wellbeing initiatives, with a commitment to building capability for individuals, leaders and the Office as a whole.

A full description of our staff wellbeing model is in Appendix G.

3.5.3 Accommodation

For the first six months of our operations we were in serviced office accommodation before moving into our permanent home in Governor Macquarie Tower at 1 Farrer Place in Sydney's CBD. Purpose-built hearing rooms were constructed at our headquarters to allow for hearings to be held on site.

Our hearings and private session rooms and public space on Level 17 of Governor Macquarie Tower were designed to ensure appropriate formality, while being as welcoming as possible, and accessible for people with disability. We recognised that some people coming to us may be fearful of institutional settings, so the space was designed to be supportive to victims and survivors.

We also had small Commission offices in Perth and Melbourne.

3.5.4 Our finances

Royal commissions have major legal, information management, research and administrative requirements. Given the size and scale of our task, the government provided the Royal Commission a total of \$372.8 million for five years (including the extension). This comprised \$336.8 million in operational funding and \$36.0 million in capital funding.

The Royal Commission's total estimated expenditure over its life is \$342.3 million. This includes \$308.5 million in actual expenditure to 30 June 2017 and an estimated \$33.8 million for the 2017–18 financial year.

The Royal Commission successfully operated within its funding allocations. Funding was re-profiled over the life of the Royal Commission through the movement of unspent funds to future years to meet requirements each year.

What we spent on each area of Royal Commission activity

The Royal Commission's expenditure is broken down below under its key activities:

- Private sessions: \$67.6 million over the life of the Royal Commission (20 per cent of total expenditure). Expenditure included the cost of managing call centre services and survivor correspondence, and all costs related to facilitating and conducting private sessions. This included Commissioner and related staff costs; participant travel costs; costs associated with collecting witness statements; counselling and support services for witnesses; venue hire and logistical costs; IT and transcription services; and media costs including associated advertising and communication materials.

- Conducting hearings: \$96.5 million over the life of the Royal Commission (28 per cent of total expenditure). Expenditure included all costs associated with coordinating and conducting public hearings, such as Commissioner, Senior Counsel Assisting, Junior Counsel and related staff costs; costs associated with the preparation, editing and printing of case studies and submissions; interstate court room hire and related logistical costs; witness and support person costs; IT services including electronic court, data management and transcription services; media announcements and liaison; and counselling and support services.
- Research, policy and reports: \$62.7 million over the life of the Royal Commission (18 per cent of total expenditure). Expenditure included all costs associated with the development of policy and recommendations, the Royal Commission's extensive research program (\$13 million) and work contributing to the development of the interim and final reports. This included a large number of outsourced research projects related to many aspects of the Royal Commission's work; report production costs including writing, editing and printing; coordination and logistical costs associated with roundtables and other policy and research forums; and costs related to a large number of professionals and employees who contributed to this work, including expert reviews.
- Community engagement: \$9.4 million over the life of the Royal Commission (3 per cent of total expenditure). Expenditure included all costs related to coordinating and implementing the Royal Commission's extensive engagement activities with the broader community, including people with disability, youth, people in rural and remote areas, Aboriginal and Torres Strait Islander people, and prisoners. This included costs related to coordinating and conducting community forums and stakeholder meetings such as venue hire; Commissioner and staff costs and travel; associated media liaison; and the production of communication and advertising materials.
- Enabling services: \$106.1 million over the life of the Royal Commission including \$20.7 million in capital costs (31 per cent of total expenditure). Expenditure included all costs related to supporting the operation of the Royal Commission. This included organisation leadership costs and strategic and business planning; staffing costs for providing business services such as human resources support, finance and procurement, travel coordination, and facilities management; rent and property-related costs; IT infrastructure and support; security services; employee wellbeing initiatives; telecommunications; and office supplies.

Appendix B provides the expenditure breakdown from 2012–13 when the Royal Commission was established to 2017–18 when it concluded, and also a list of major contractors.

3.5.5 Sensitive and confidential information

Survivors trusted Commissioners with their personal accounts of their experiences, often disclosing information of a private and sensitive nature that they may not have told anybody before. We were also provided with many confidential and classified documents, either offered freely or in response to a notice to produce, by governments and institutions.

It was important that this extremely sensitive information we held was kept secure. We developed and implemented a standalone protected network, detailed policies and custom-built information technology systems to ensure this.³² Our recordkeeping and data management systems met required standards.³³ We also complied with state and territory laws on archiving.³⁴

Protecting information

When possible we ensured our activities were transparent by putting information about our work on our website, streaming hearings live, providing transcripts of hearings and access to exhibit material, and engaging with the media. However, at times we had to restrict public access to information that is confidential or sensitive.

We had the power to hold hearings in private under the *Royal Commissions Act 1902* (Cth).³⁵ We also had powers to direct that certain information or documents not be published at all, or be published in such a way and to such people as we specified.³⁶ These directions remain in effect after the Royal Commission finishes.

Special protections apply to information from private sessions so that:

- disclosing it is an offence, except for the purposes of our inquiry³⁷
- we may only use private session information in our reports if we have de-identified it first, if it has also been given as evidence, or if we have obtained it through our coercive powers.³⁸

Sharing and disclosing information

At times it was necessary for us to communicate information to other parties, such as police or child protection agencies. As this Royal Commission was established under Commonwealth legislation and legislation in each state, there were different laws that affected sharing information with third parties. This added complexity to the way we share, report and publish information.³⁹

Sharing and disclosing information about law enforcement and children at risk

If we obtained information that could help (or prejudice) law enforcement or other inquiries, we had to handle it appropriately. If we received information relating to potential contraventions of Australian law, we made referrals to police for investigation.⁴⁰

We also informed child welfare authorities if there were reasonable grounds to suspect that a child was at risk of significant harm.⁴¹

Archiving our records

Nearly all of our records will be retained permanently by the National Archives. Under the *Archives Act 1983* (Cth), all of these records, other than private session records, will be made subject to public access rights 21 years after they are created.⁴² Private session records are subject to public access 99 years after they are created.⁴³

Endnotes

- 1 *Royal Commissions Act 1923* (NSW); *Commissions of Inquiry Act 1950* (Qld); *Royal Commissions Act 1917* (SA); *Commission of Inquiry Act 1995* (TAS); *Royal Commissions Act 1968* (WA). Since 2014 *the Inquiries Act 2014* (Vic) has governed the establishment and conduct of inquiries, including Royal Commissions, in Victoria. Notwithstanding the commencement of the *Inquiries Act 2014*, *Evidence (Miscellaneous Provisions) Act 1958* (Vic) Pt 1, Div 5 continued to apply to this Royal Commission. See *Evidence (Miscellaneous Provisions) Act 1958* (Vic) s 164 for further detail.
- 2 See list of the Royal Commission's published research at Appendix E.
- 3 See list of the Royal Commission's issues papers and consultation papers at Appendix D.
- 4 Australia, House of Representatives, 13 February 2013, *Debates*, vol HR43, pp 1117 (M Dreyfus, Attorney-General).
- 5 *Royal Commissions Act 1902* (Cth) s 6OC(2).
- 6 *Royal Commissions Act 1902* (Cth) s 6OC(1).
- 7 Preparations for private sessions commenced from January 2013. The first private session was held on 7 May 2013. The exact total of private sessions held can be found in the information update to this report.
- 8 Private session.
- 9 Name changed, private session, 'Marlene'; Name changed, private session, 'Garth Peter'.
- 10 As permitted under legislation. See *Royal Commissions Act 1902* (Cth) s 6OJ(b).
- 11 *Letters Patent* (Cth), 11 January 2013, (e).
- 12 Royal Commission into Institutional Responses to Child Sexual Abuse, *Practice guideline 1*, Sydney, 2013.
- 13 Royal Commission into Institutional Responses to Child Sexual Abuse, *Practice guideline 3*, Sydney, 2013.
- 14 Royal Commission into Institutional Responses to Child Sexual Abuse, *Practice guideline 1*, Sydney, 2013, p 6. The Royal Commission may also communicate information to law enforcement bodies. See *Royal Commissions Act 1902* (Cth) s 6P.
- 15 *Royal Commissions Act 1902* (Cth) s 6D(3) (for private hearings); *Royal Commissions Act 1923* (NSW) s 12B(2); *Commissions of Inquiry Act 1950* (Qld) s 16A; *Royal Commissions Act 1917* (SA) s 6; *Commissions of Inquiry Act 1995* (Tas) s 13(2); *Evidence (Miscellaneous Provisions) Act 1958* (Vic) s 19B(1), which was repealed by the *Inquiries Act 2014* (Vic) Sch 2 cl 16 and replaced by *Inquiries Act 2014* (Vic) s 24(1); *Royal Commissions Act 1968* (WA) s 19A.
- 16 *Royal Commissions Act 1902* (Cth) s 6D(3) (for private hearings); *Royal Commissions Act 1923* (NSW) s 12B(1); *Commissions of Inquiry Act 1950* (Qld) s 16; *Royal Commissions Act 1917* (SA) s 16A(b)–(c); *Commissions of Inquiry Act 1995* (Tas) s 14(1); *Evidence (Miscellaneous Provisions) Act 1958* (Vic) s 19B(2), which was repealed by the *Inquiries Act 2014* (Vic) Sch 2 cl 16 and replaced by *Inquiries Act 2014* (Vic) s 24(1). Also see *Royal Commissions Act 1968* (WA) s 19B.
- 17 *Royal Commissions Act 1902* (Cth) ss 2(1)(b), 2(3A); *Royal Commissions Act 1923* (NSW) s 8; *Commissions of Inquiry Act 1950* (Qld) s 5(1)(b); *Royal Commissions Act 1917* (SA) s 10(c); *Commissions of Inquiry Act 1995* (Tas) s 22(1)(b); *Evidence (Miscellaneous Provisions) Act 1958* (Vic) s 17, which was repealed by the *Inquiries Act 2014* (Vic) Sch 2 cl 16 and replaced by *Inquiries Act 2014* (Vic) s 17(1)(a); *Royal Commissions Act 1968* (WA) ss 8B(1)(b), 9.
- 18 *Royal Commissions Act 1902* (Cth) s 6H.
- 19 *Royal Commissions Act 1902* (Cth) ss 6D(3) (for private hearings), 6OB(1) (for private sessions); *Royal Commissions Act 1923* (NSW) s 12B(1); *Commissions of Inquiry Act 1950* (Qld) s 16; *Royal Commissions Act 1968* (Qld) s 19B; *Royal Commissions Act 1917* (SA) s 16A(1)(b); *Commissions of Inquiry Act 1995* (Tas) s 14(1); *Inquiries Act 2014* (Vic) s 26(2).
- 20 See, for example, *Criminal Law (Sexual Offences) Act 1987* (Qld) s 10; *Evidence Act 1906* (WA) s 36C.
- 21 *Letters Patent* (Cth), 11 January 2013, (k).
- 22 This applied in respect of case study reports for *Case Study 28: Catholic Church authorities in Ballarat*, *Case Study 35: Catholic Archdiocese of Melbourne* and *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*.
- 23 This applied in respect of case study reports for *Case Study 43: The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious* and *Case Study 44: The response of the Catholic Dioceses of Armidale and Parramatta to allegations of child sexual abuse against a priest*.
- 24 *Royal Commissions Act 1902* (Cth) s 6D(3) (for private hearings); *Royal Commissions Act 1923* (NSW) s 12B(2); *Commissions of Inquiry Act 1950* (Qld) s 16A; *Royal Commissions Act 1917* (SA) s 6; *Commissions of Inquiry Act 1995* (Tas) s 13(2); *Evidence (Miscellaneous Provisions) Act 1958* (Vic) s 19B(1), which was repealed by the *Inquiries Act 2014* (Vic) Sch 2 cl 16 and replaced by *Inquiries Act 2014* (Vic) s 24; *Royal Commissions Act 1968* (WA) s 19A.
- 25 For example, evidence of Jacqui Barnat in YMCA NSW case study: See Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 2: YMCA NSW's response to the conduct of Jonathan Lord*, Sydney, 2014, pp 105–8.
- 26 During this time Professor Leah Bromfield was Deputy Director of the Australian Centre for Child Protection at the University of South Australia.
- 27 Regions included: Northern New South Wales and the Central West region, Darwin, Alice Springs, the Tiwi Islands, the APY Lands and Port Augusta in South Australia, South eastern and western Queensland, Perth, Geraldton, the Kimberley region in Western Australia.
- 28 Royal Commission consultations with Aboriginal and Torres Strait Islander communities, 2014–17.
- 29 Regions included: Alice Springs, Ballarat, Bendigo, Bunbury, Cairns, Coffs Harbour, Geraldton, Geelong, the Kimberley, Lithgow, Ballina, Cherbourg, Burnie, Casino, Newcastle, the Hunter Valley, Warrnambool, Lismore, Launceston, Rockhampton, Woorabinda, Tiwi Islands, Port Augusta.

30 R Scutella, A Chigavazira, E Killackey, N Herault, G Johnson, J Moschion & M Wooden, *Journeys home research report no. 4: Findings from waves 1 to 4*, Melbourne Institute of Applied Economic and Social Research, Melbourne, 2014, pp 81–2; Name changed, private session, ‘Raquel’; Name changed, private session, ‘Blake William’; Name changed, private session, ‘Dion’; Name changed, private session, ‘Marcia’.

31 The number of people who visited the Royal Commission website between 14 January 2013 and 30 June 2017.

32 The Royal Commission followed the *Protective Security Policy Framework*, which requires Australian Government agencies to protect people, information and assets and *Australian Government Information Security Manual*, which governs the security of the Government’s IT systems.

33 *Royal Commissions Act 1902* (Cth); *Archives Act 1983* (Cth).

34 *Territory Records Act 2002* (ACT); *State Records Act 1998* (NSW); *Information Act 2002* (NT); *Public Records Act 2002* (Qld); *State Records Act 1997* (SA); *Public Records Act 1973* (Vic); *State Records Act 2000* (WA).

35 *Royal Commissions Act 1902* (Cth) s 6D(3) (for private hearings), s 6OB(1) (for private sessions); *Royal Commissions Act 1923* (NSW) s 12B(2); *Commissions of Inquiry Act 1950* (Qld) s 16A; *Royal Commissions Act 1917* (SA) s 6; *Commissions of Inquiry Act 1995* (Tas) s 13(2); *Evidence (Miscellaneous Provisions) Act 1958* (Vic) s 19B(1); *Royal Commissions Act 1968* (WA) s 19A.

36 *Royal Commissions Act 1902* (Cth) s 6D(3); *Royal Commissions Act 1923* (NSW) s 12B(1); *Commissions of Inquiry Act 1950* (Qld) s 16; *Royal Commissions Act 1917* (SA) s 16A(b)–(c); *Commissions of Inquiry Act 1995* (Tas) s 14(1); *Evidence (Miscellaneous Provisions) Act 1958* (Vic) s 19B(2). Also see *Royal Commissions Act 1968* (WA) s 19B.

37 *Royal Commissions Act 1902* (Cth) s 6OH.

38 *Royal Commissions Act 1902* (Cth) s 6OJ.

39 For example, apart from New South Wales (see *Royal Commissions Act 1923* (NSW) s 12A) and the Commonwealth (see *Royal Commissions Act 1902* (Cth) s 6P), legislation in the other states and territories did not explicitly allow us to communicate information to other commissions and inquiries.

40 *Royal Commissions Act 1902* (Cth) s 6P. Throughout the Final Report, the number of police referrals (2,252 as of 31 July 2017) comprises all referrals made from our inquiry, which includes private sessions and case studies.

41 See, for example, *Children and Young Persons (Care and Protection) Act 1998* (NSW) ss 23, 27; *Care and Protection of Children Act 2007* (NT) ss 15, 16, 26. For further discussion of mandatory reporting schemes in each jurisdiction, see Volume 7.

42 *Archives Act 1983* (Cth) ss 3(7), 22.

43 *Royal Commissions Act 1902* (Cth) s 6OM.

4 This Final Report

This Final Report represents the culmination of our five-year inquiry into institutional responses to child sexual abuse. It presents the findings and recommendations of the Commissioners. It also provides an opportunity to document publicly the experiences of people affected by child sexual abuse in an institutional context.

The report presents what we know about child sexual abuse in institutional contexts and how it can be prevented in the future. With our recommendations comes an opportunity to pay respect to the victims and survivors of child sexual abuse across decades, to acknowledge their pain and suffering and honour their experiences and their bravery in coming forward. We have a unique opportunity to acknowledge society's failures in protecting children from harm, and to now take action to reduce the risk of such failures happening again.

4.1 Sources of information

Our inquiry model as described in the previous chapter, provided a wealth of information with which to make findings and develop recommendations. This report draws upon all possible sources of information gathered through our inquiry.

Having heard the personal accounts of around 8,000 individuals in private sessions, received 992 written accounts and held hearings to examine 134 institutional responses in great detail, Commissioners were in a unique position to understand the issues related to institutional responses to child sexual abuse. Commissioners also brought with them to the Royal Commission a diversity of expertise and experience through which to analyse information and make findings and recommendations.

The personal accounts provided by survivors in private sessions, written accounts and public hearings were particularly important sources of information for the report. Hearing directly from survivors and their families has helped us to understand the nature and extent of child sexual abuse in institutional contexts, the circumstances in which it can occur, and the devastating impact it can have on the lives of those who have been affected by it.

However, we should be aware that the information derived from these personal accounts may not necessarily be representative of the demographic profile and experiences of the broader population of victims of child sexual abuse in an institutional context.¹

In hearings we received evidence about, and examined in detail, the responses of many institutions.

We conducted an extensive research and policy program to support our work.² Research conducted under our research program provided necessary background information, filled crucial evidence gaps, and summarised evidence of what we know about child sexual abuse and what works to prevent it.

This Final Report was also informed by responses to issues papers, consultation papers and public and private roundtables, by individuals, organisations and governments. They provided us with considered views about institutional responses to child sexual abuse and proposals for policy reform.³

The diversity of information we have gathered during our inquiry has not only informed our report; it has ongoing relevance for individuals, support services, institutions and governments in their efforts to improve child protection and support for survivors of child sexual abuse.

4.2 Recommendations

4.2.1 The scope of our recommendations

The Terms of Reference directed us to make ‘any recommendations arising out of your inquiry that you consider appropriate, including recommendations about policy, legislative, administrative or structural reforms’.

The recommendations set out in this report recognise the shared responsibility of governments, institutions and the broader community to do all that is possible to ensure child sexual abuse is prevented as far as possible. Institutions must never again be allowed to silence a child or diminish the preparedness or capacity of adults to act to protect children.

The Commissioners acknowledge that the issues raised in our report are complex and that the implementation of the recommendations will require careful planning. Implementation also needs to be resourced adequately; otherwise, outcomes will be compromised.

Each recommendation identifies the government or institution directed to take action, the type and scope of action and, where appropriate, a recommended mechanism and timeframe for implementation. A full list of recommendations is included in the Executive Summary.

4.2.2 How we developed our recommendations

Based on the Terms of Reference, we identified three primary outcomes for our recommendations:

- child sexual abuse in institutions is prevented as far as possible and identified as early as possible
- perpetrators of child sexual abuse in institutions are investigated, prosecuted and appropriately sentenced with a minimum of delay
- survivors of child sexual abuse in institutions and their families obtain justice and have the wellbeing and resources they need to achieve a good quality of life.

When scoping the task to be undertaken we adopted a framework based on the public health approach used in the National Framework for Protecting Australia’s Children 2009–2020. This public health approach to child maltreatment was endorsed by the Council of Australian Governments and has also been used by other inquiries. It retains strong support within state government child protection departments, the non-government welfare sector and academia.

The public health approach is centred around prevention, with increasingly intensive targeting of identified risks. This approach can be used when a preventable problem is prevalent and serious and is associated with severe long-term effects on individuals and populations.

This approach helped us to focus our recommendations for the different needs of the affected groups on five areas of activity:

- prevention for all – working with the whole community to prevent institutional child sexual abuse before it occurs
- identification of and prevention for at-risk groups – working with populations at risk to prevent institutional child sexual abuse before it occurs, including identifying potential victims
- prevention for adult perpetrators and children with harmful sexual behaviours – working with adult perpetrators and with children with harmful sexual behaviours to prevent further child sexual abuse
- identification and response – identifying and responding to the needs of populations in which institutional child sexual abuse is suspected/disclosed
- justice and support – providing justice, treatment and support for populations affected by child sexual abuse.

The recommendations also address the systemic issues identified and examined in case studies and policy work. They are designed to present an integrated and coherent package of reforms to make institutions safer places for children.

There can be no ‘one-size-fits-all’ approach to measures to better protect children from sexual abuse in institutions. Our recommendations reflect the shared responsibility for keeping children safe, while accommodating the diversity of relevant institutions, including their purposes, types, sizes, governance structures and jurisdictional characteristics. The recommendations also reflect children’s diverse circumstances, experiences and needs.

We understood the importance of consulting with stakeholders about the changes which need to be made. We listened carefully to what survivors thought needed to change. What we learned from these consultations has helped to inform our recommendations.

4.2.3 Implementation

Positive changes have already occurred in response to our work. However, there is more work to do before the community can be confident that institutions are as safe for children as possible. The recommendations in our report are designed to provide governments and institutions with an understanding of what they must do to provide for the safety of children in institutions. Volume 17, *Beyond the Royal Commission* makes recommendations on the implementation, monitoring of, and reporting on, our recommendations.

4.3 Reading this report

4.3.1 Who should read this report

There will be broad interest in the findings and recommendations detailed in the Final Report.

The Australian Government has committed considerable resources to the establishment and operation of the Royal Commission. The scale and gravity of the abuse and ineffective responses having now been exposed, we trust that all Australian governments will examine this report carefully and take appropriate steps to improve responses to child sexual abuse in institutional contexts.

We further trust that all institutions responsible for the care of children will likewise consider the report and recommendations of our inquiry carefully and commit to making their institutions safer for children.

As a national record of responses to child sexual abuse in institutional contexts, the report will be of great interest to victims and survivors, particularly those who directly engaged with the Royal Commission. Survivors' families and friends, advocacy groups, support services and the broader public will also have a strong interest in this report.

The significant body of information collected about these experiences will also be of use to researchers and scholars working in this and related fields. We expect that the report will find an international audience, particularly among other commissions of inquiry that are currently examining child sexual abuse or other forms of violence against children. This includes the international institutions with which the Royal Commission has engaged as well as international experts and researchers.

The Royal Commission has received continued and extensive media coverage throughout the life of the inquiry. This coverage has played a critical part in bringing the problem of child sexual abuse, and the responses of governments and institutions, to the fore of the national consciousness. It has certainly helped amplify the voices of victims and survivors in a country where some people have previously sought to silence calls for justice and reform.

4.3.2 Digital access and related materials

The Final Report is available online at www.childabuseroyalcommission.gov.au/final-report. The personal, de-identified, summarised accounts of many people who shared their experiences of abuse with us are also available online at www.childabuseroyalcommission.gov.au/narratives. This website will remain available after the Royal Commission through the Attorney-General's Department.

The Royal Commission has published additional materials on its website at www.childabuseroyalcommission.gov.au/final-report. These include:

- *A brief guide to the Final Report*
- *A brief guide to the Final Report: Disability*
- *A brief guide to the Final Report: Aboriginal and Torres Strait Islander communities*
- *A brief guide to the Final Report: Children and young people.*

We hope these materials will help to disseminate the results and recommendations of our inquiry and make them accessible and meaningful to a broad audience.

4.3.3 Structure of the report

To reflect the range of matters examined by the Royal Commission, this report is divided into 17 volumes. The volumes fall into the following categories:

- Volume 1 introduces the Royal Commission and its inquiry, and deals with how it was established, and how it went about its task.
- Volumes 2 to 5 provide an account of our understanding of child sexual abuse in institutional contexts and its impacts on survivors.
- Volumes 6 to 10 make findings and recommendations in relation to improving institutional responses to child sexual abuse across a range of areas and meeting the needs of survivors.
- Volumes 11 to 16 make findings and recommendations in relation to the steps particular categories of institutions should take to improve their responses to child sexual abuse.
- Volume 17 summarises the impact of the Royal Commission during its life and how the work of the Royal Commission should be continued in the future.

The report should be understood as a whole. However, each volume is intended to be able to be read alone by those with an interest in specific aspects of the inquiry. Accordingly, a range of information is duplicated across volumes. Volumes contain cross-references to enable the

reader to understand individual volumes in the context of the report as a whole. Population-specific issues have been integrated throughout the report, being raised as appropriate within each volume.

The Final Report consists of the following volumes:

The **Executive Summary** summarises the entire report and provides a full list of recommendations.

Volume 1, *Our inquiry* introduces the Final Report, describing the establishment, scope and operations of the Royal Commission.

Volume 2, *Nature and cause* details the nature and cause of child sexual abuse in institutional contexts. It also describes what is known about the extent of child sexual abuse and the limitations of existing studies. The volume discusses factors that affect the risk of child sexual abuse in institutions and the legal and political changes that have influenced how children have interacted with institutions over time.

Volume 3, *Impacts* details the impacts of child sexual abuse in institutional contexts. The volume discusses how impacts can extend beyond survivors, to family members, friends, and whole communities. The volume also outlines the impacts of institutional responses to child sexual abuse.

Volume 4, *Identifying and disclosing child sexual abuse* describes what we have learned about survivors' experiences of disclosing child sexual abuse and about the factors that affect a victim's decision whether to disclose, when to disclose and who to tell.

Volume 5, *Private sessions* provides an analysis of survivors' experiences of child sexual abuse as told to Commissioners during private sessions, structured around four key themes: experiences of abuse; circumstances at the time of the abuse; experiences of disclosure; and impact on wellbeing. It also describes the private sessions model, including how we adapted it to meet the needs of diverse and vulnerable groups.

Volume 6, *Making institutions child safe* looks at the role community prevention could play in making communities and institutions child safe, the child safe standards that will make institutions safer for children, and how regulatory oversight and practice could be improved to facilitate the implementation of these standards in institutions. It also examines how to prevent and respond to online sexual abuse in institutions in order to create child safe online environments.

Volume 7, *Improving institutional responding and reporting* examines the reporting of child sexual abuse to external government authorities by institutions and their staff and volunteers, and how institutions have responded to complaints of child sexual abuse. It outlines guidance for how institutions should handle complaints, and the need for independent oversight of complaint handling by institutions.

Volume 8, *Recordkeeping and information sharing* examines records and recordkeeping by institutions that care for or provide services to children; and information sharing between institutions with responsibilities for children’s safety and wellbeing and between those institutions and relevant professionals. It makes recommendations to improve records and recordkeeping practices within institutions and information sharing between key agencies and institutions.

Volume 9, *Advocacy, support and therapeutic treatment services* examines what we learned about the advocacy and support and therapeutic treatment service needs of victims and survivors of child sexual abuse in institutional contexts, and outlines recommendations for improving service systems to better respond to those needs and assist survivors towards recovery.

Volume 10, *Children with harmful sexual behaviours* examines what we learned about institutional responses to children with harmful sexual behaviours. It discusses the nature and extent of these behaviours and the factors that may contribute to children sexually abusing other children. The volume then outlines how governments and institutions should improve their responses and makes recommendations about improving prevention and increasing the range of interventions available for children with harmful sexual behaviours.

Volume 11, *Historical residential institutions* examines what we learned about survivors’ experiences of, and institutional responses to, child sexual abuse in residential institutions such as children’s homes, missions, reformatories and hospitals during the period spanning post-World War II to 1990.

Volume 12, *Contemporary out-of-home care* examines what we learned about institutional responses to child sexual abuse in contemporary out-of-home care. The volume examines the nature and adequacy of institutional responses and draws out common failings. It makes recommendations to prevent child sexual abuse from occurring in out-of-home care and, where it does occur, to help ensure effective responses.

Volume 13, *Schools* examines what we learned about institutional responses to child sexual abuse in schools. The volume examines the nature and adequacy of institutional responses and draws out the contributing factors to child sexual abuse in schools. It makes recommendations to prevent child sexual abuse from occurring in schools and, where it does occur, to help ensure effective responses to that abuse.

Volume 14, *Sport, recreation, arts, culture, community and hobby groups* examines what we learned about institutional responses to child sexual abuse in sport and recreation contexts. The volume examines the nature and adequacy of institutional responses and draws out common failings. It makes recommendations to prevent child sexual abuse from occurring in sport and recreation and, where it does occur, to help ensure effective responses.

Volume 15, *Contemporary detention environments* examines what we learned about institutional responses to child sexual abuse in contemporary detention environments, focusing on youth detention and immigration detention. It recognises that children are generally safer in community settings than in closed detention. It also makes recommendations to prevent child sexual abuse from occurring in detention environments and, where it does occur, to help ensure effective responses.

Volume 16, *Religious institutions* examines what we learned about institutional responses to child sexual abuse in religious institutions. The volume discusses the nature and extent of child sexual abuse in religious institutions, the impacts of this abuse, and survivors' experiences of disclosing it. The volume examines the nature and adequacy of institutional responses to child sexual abuse in religious institutions, and draws out common factors contributing to the abuse and common failings in institutional responses. It makes recommendations to prevent child sexual abuse from occurring in religious institutions and, where it does occur, to help ensure effective responses.

Volume 17, *Beyond the Royal Commission* describes the impacts and legacy of the Royal Commission and discusses monitoring and reporting on the implementation of our recommendations.

Unless otherwise indicated, this Final Report is based on laws, policies and information current as at 30 June 2017.

4.4 Key terms

The inappropriate use of words to describe child sexual abuse and the people who experience the abuse can have silencing, stigmatising and other harmful effects. Conversely, the appropriate use of words can empower and educate.

For these reasons, we have taken care with the words used in this report. Some key terms used in this volume are described below. A complete glossary of terms used in the report is set out at the end of this volume.

Children with harmful sexual behaviours

We use the term 'children with harmful sexual behaviours' to refer to children under 18 years who have behaviours that fall across a spectrum of sexual behaviour problems, including those that are problematic to the child's own development, as well as those that are coercive, sexually aggressive and predatory towards others. The term 'harmful sexual behaviours' recognises the seriousness of these behaviours and the significant impact they have on victims, but is not contingent on the age or capacity of a child.

The term 'children with harmful sexual behaviours' is used when referring to the general group of children with sexual behaviour problems. At times, we use more specific terms:

- 'Problematic sexual behaviours' refers to sexual behaviours that fall outside the normal or age-appropriate range for younger children. These may or may not result in harm to another person. Problematic sexual behaviours in young children may be an indicator of them having been harmed themselves and may place the child displaying such behaviours at risk of sexual exploitation.
- 'Sexual offending' refers to sexual behaviours that fall within the definition of a sexual offence, where the child could be held criminally responsible for their conduct. In Australia, children aged 10 and over may be charged with a sexual offence.

Perpetrators

The term 'perpetrator' is used in this report to describe an adult who has sexually abused a child.

Secondary victims

The term 'secondary victim' refers to people who are affected by the abuse perpetrated against the primary victim. Secondary victims can include partners, children (including children born as a result of the abuse), parents, siblings and extended family. Trauma impacts can extend across generations and there may also be collective trauma impacts for whole communities or populations. The impacts of sexual abuse can also be felt by a wider range of people, including whistleblowers and other people (including other children) within the institution where the abuse occurred.

Victim and survivor

We use the terms 'victim' and 'survivor' to describe someone who has been sexually abused as a child in an institutional context. We use the term 'victim' when referring to a person who has experienced child sexual abuse at the time the abuse occurred. We use the term 'survivor' when referring to a person who has experienced child sexual abuse after the abuse occurred, such as when they are sharing their story or accessing support. Where the context is unclear, we have used the term 'victim'.

We recognise that some people prefer 'survivor' because of the resilience and empowerment associated with the term.

We recognise that some people who have experienced abuse do not feel that they ‘survived’ the abuse, and that ‘victim’ is more appropriate. We also recognise that some people may have taken their lives as a consequence of the abuse they experienced. We acknowledge that ‘victim’ is more appropriate in these circumstances. We also recognise that some people do not identify with either of these terms.

When we discuss quantitative information from private sessions in this volume, we use the term ‘survivor’ to refer both to survivors and victims who attended a private session and those (including deceased victims) whose experiences were described to us by family, friends, whistleblowers and others. This quantitative information is drawn from the experiences of 6,875 victims and survivors of child sexual abuse in institutions, as told to us in private sessions to 31 May 2017.

4.5 Diversity and vulnerability

4.5.1 How we considered diverse circumstances, experiences and needs

We heard from a wide range of people throughout the inquiry. The victims and survivors who came forward were from diverse backgrounds with many different experiences. Various aspects such as their culture, gender, education, sexuality or disability also drew different institutional responses across their lifetime. While there were common threads throughout all survivors’ stories, it was clear to us there is no ‘one-size-fits-all’ approach to better protect against and respond to child sexual abuse. It is important for institutions and service systems to anticipate and take account of this diversity.

Within this wide diversity of experience, some people face particular circumstances that increase their vulnerability. We heard that Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds commonly deal with additional challenges. These children and adult survivors are not inevitably more vulnerable to child sexual abuse. Rather, they encounter circumstances that put them at greater risk of abuse in institutions, make it less likely they will be able to disclose or report abuse, or make them more likely to receive an inadequate response than others. While all children are vulnerable, there are specific extra dimensions of risk and vulnerability for these populations. We took care to examine the particular difficulties they face as part of our broader effort to understand what informs a best practice response to child sexual abuse in an institutional context.

4.5.2 Aboriginal and Torres Strait Islander peoples

Commissioners recognise the unique status of Aboriginal and Torres Strait Islander peoples as Australia's First Peoples, representing the oldest continuous cultures in the world.⁴ The word 'peoples' acknowledges the diversity of Aboriginal and Torres Strait languages, distinct cultures, kinship structures and ways of life in urban, regional and remote areas.⁵

Historically, Aboriginal and Torres Strait Islander peoples have been treated differently under the law and in government policy compared to other Australians. Previous inquiries found separate laws were created to assimilate Aboriginal and Torres Strait Islander peoples as part of the process of colonisation.⁶ This distinct treatment in legislation persisted until the 1970s in some jurisdictions.⁷ *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, the most comprehensive report on the Stolen Generations, found the treatment of Aboriginal and Torres Strait Islander peoples 'involved both systematic racial discrimination and genocide as defined by international law'.⁸ The laws and prevailing social attitudes of the time led to the forced removal of Aboriginal and Torres Strait Islander children from their families, not for reasons of neglect but for 'simply being Aboriginal'.⁹ This has left a legacy of intergenerational and collective trauma that complicates the process of individual and collective healing for Aboriginal and Torres Strait Islander communities.¹⁰

Ongoing cycles of intergenerational trauma following colonisation have been referred to in multiple, subsequent inquiries. These are discussed in detail in Volume 2, *Nature and cause*.¹¹ In 2008, then Prime Minister Kevin Rudd acknowledged the ongoing effects of the systematic removal of Aboriginal and Torres Strait Islander children from their families in a national apology to the Stolen Generations.¹²

Research undertaken for the Royal Commission found 'there is consensus in the literature that the sexual abuse of Aboriginal and Torres Strait Islander children should be viewed in the context of the historical legacy of colonisation, racism, deprivation, forced removal of children from their families, and ensuing inter-generational trauma'.¹³ This legacy, combined with contemporary discrimination, continues to bring Aboriginal and Torres Strait Islander children into contact with child protection services and justice settings at disproportionate rates.¹⁴ This places them in high-risk settings such as out-of-home care (see Volume 12, *Contemporary out-of-home care*) and youth detention (see Volume 15, *Contemporary detention environments*) often with prior experiences of trauma and separated from the protection offered by strong connection with family and culture.¹⁵

Commissioners were told that strong cultural identity and connection to community is a protective factor for Aboriginal and Torres Strait Islander children in institutions, helping them to be self-confident and to know how and where to disclose abuse.¹⁶ Research also suggests that addressing systemic racism, combined with supporting community healing and strong connection to culture, underpins prevention of child sexual abuse in institutions.¹⁷

We have been informed through written submissions and commissioned research that Aboriginal and Torres Strait Islander children and families also contend with additional barriers to disclosing and reporting sexual abuse in institutions.¹⁸ These include a reluctance to disclose or report incidents due to experiences of injustice, negative experiences with service providers, and an ongoing fear of having a child removed from the community.¹⁹ We heard that many families expect that Aboriginal and Torres Strait Islander children who have been abused by white adults will not be believed.²⁰ Disclosure and help-seeking are also hindered by a significant lack of treatment and support services that are culturally appropriate, including a lack of culturally safe sexual assault services and of the need for more Aboriginal-specific sexual assault services.²¹ These and similar concerns have also been identified in a range of government reports and inquiries²² and are discussed in more detail in Volume 9, *Advocacy, support and therapeutic treatment services*. We heard that effective responses to sexual abuse require cultural safety to be an integral part of organisations, service systems and program delivery approaches. These issues and other specific concerns are considered in more detail throughout the report.

4.5.3 People with disability

In this report we use the terms ‘children with disability’ and ‘people with disability’ to refer to people with physical, intellectual, psychiatric, sensory, neurological or learning disabilities.²³ We understand from the United Nations Convention on the Rights of Persons with Disabilities (CRPD) that the experience of disability and each individual’s capacity to participate fully and effectively in society is affected by the type of impairment they have, as well as the attitudes and environmental conditions they encounter.²⁴ Considerations of safety for children with disability and responses to sexual abuse should take all of these dimensions into account.

We learned that children with disability have been at significantly greater risk of sexual abuse compared to the general population.²⁵ Our commissioned research shows that vulnerability is heightened if society regards the child with disability as ‘different’, so that the child is treated as the ‘other’, excluded from mainstream settings, and discriminated against.²⁶ We understand that national initiatives are underway to support the full and equal participation of all people with disability as a right in mainstream society, and that there is a current expectation that children with disability should be supported to attend mainstream education,²⁷ consistent with Australia’s obligations under the CRPD.

Due to increased contact with health, education and other support services, and dependency on professionals, children with disability have more often been in high-risk institutional settings.²⁸ Depending on their individual needs, children with disability may spend more time in institutional settings than children without disability, and more time alone with unknown adults at a younger age than other children.²⁹ Children with intellectual disability, communication impairments, behaviour difficulties and sensory disability have been found to be particularly at risk of all forms of abuse.³⁰ There is also international evidence that children with disability

who are sexually abused are more often subject to ongoing forms of ‘contact’ abuse (such as penetrative sex or more violent sexual assault).³¹ We discuss the responsibility of all institutions to adequately ensure safety for children with diverse needs and circumstances, including disability, in Volume 6, *Making institutions child safe*.

Children and adults with certain types of disability face extra challenges when they disclose sexual abuse. We were told of disclosures being misinterpreted as a part of the disability or as ‘bad’ behaviour rather than the child communicating their distress.³² We heard of complaints being dismissed on the basis of incorrect stereotypes that children with disability (especially those with intellectual disability) are asexual or incapable of feeling harm.³³ Fear of losing critical health and support services prevents children and their families from reporting abuse.³⁴ These matters are discussed further in Volume 4, *Identifying and disclosing child sexual abuse*. Research we commissioned informed us of the importance of including children and young people with disability in appropriately tailored relationship and sex education programs, so they have adequate knowledge about sexuality and what constitutes abuse.³⁵

Our *Criminal justice* report explores problems for people with disability in accessing the criminal justice system. In *Case Study 9: The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann’s Special School* we heard that children with disability can be seen as incapable of giving evidence or viewed as ‘unreliable witnesses.’³⁶ We heard in *Case Study 41: Institutional responses to allegations of the sexual abuse of children with disability* that if parents were not informed of child sexual abuse allegations within a service setting, they were limited in how they could then understand and respond to any changes in their own child’s behaviour.³⁷ From private sessions and from the academic literature, we know that people with disability are often not provided with the support and adjustments they need to participate in legal processes or achieve outcomes through the criminal justice system.³⁸ We heard of the benefits which the recording of investigative interviews can have, not just in relation to child witnesses but also, as we were told in submissions to the criminal justice consultation paper and in evidence in the *Case Study 38: Criminal justice issues relating to child sexual abuse in an institutional context* public hearing, in relation to witnesses with disability. We heard of special measures that can be taken so that the best relevant evidence is available in criminal justice considerations.³⁹

Another concern, explored in Volume 9, *Advocacy, support and therapeutic treatment services*, is how support and treatment services are less available or accessible to victims and survivors with disability. We heard in private sessions and submissions that this is especially the case with communication or cognitive impairments.⁴⁰ Specialist sexual assault services are not able to respond to the specific needs of survivors with disability, while at the same time specialist disability services do not have skills in dealing with sexual abuse.

These issues and other specific concerns for victims and survivors with disability are considered throughout the report.

4.5.4 People from culturally and linguistically diverse backgrounds

We use the term ‘people from culturally and linguistically diverse backgrounds’ to describe those who have a cultural heritage that differs from the dominant culture in Australia.⁴¹ This may include first- and second-generation migrants, people born in Australia whose ancestors migrated here, temporary visitors, students and workers, refugees, asylum seekers, or anyone with uncertain residency status. While there are common threads in the experiences of people from culturally and linguistically diverse backgrounds, they are not a homogenous group. We have been careful not to assume every person from a culturally and linguistically diverse background faces the same issues. We acknowledge diversity within cultures, and that different cultures often interact and evolve together. As with other groups, we also note that gender, faith, sexuality and other intersecting factors may influence the experiences of children from culturally and linguistically diverse backgrounds.

As discussed in Volume 2, *Nature and cause*, Commissioners heard there are specific reasons why children from culturally and linguistically diverse backgrounds may experience heightened vulnerability to abuse. Some survivors, for example, spoke about experiences of social isolation and racism in schools and other settings.⁴² They told us they were targeted by perpetrators who groomed them by offering sanctuary from this treatment, or by making them feel inferior and helpless by reinforcing racist attitudes.⁴³ For child asylum seekers and refugees, we heard, prior experiences of trauma in their country of origin or during their migration journey may also affect their understanding of what is abusive and put them at greater risk of abuse.⁴⁴

We also heard that children from culturally and linguistically diverse backgrounds face additional barriers to disclosure and reporting. Lack of access to appropriate language and cultural translation services was identified as a particular barrier.⁴⁵ We heard from one survivor who was mocked and punished in out-of-home care for her inability to read and write in English. When she reported her abuse she was misunderstood, with no attempt made to clarify. She said that instead of receiving protection and care she was provided with sanitary pads and sent away.⁴⁶ Child asylum seekers and refugees, and their families, who have experienced persecution and other negative treatment at the hands of police or government officials in their countries of origin may also not trust authorities with a disclosure.⁴⁷ We were told these populations may also not report because they have not been provided with sufficient information about child protection laws and systems in Australia.⁴⁸ These and other related issues are discussed in Volume 4, *Identifying and disclosing child sexual abuse* and Volume 7, *Improving institutional responding and reporting*.

Specific approaches are required to respond to the needs of victims and survivors from culturally and linguistically diverse backgrounds, taking into account their unique experiences and cultural contexts.⁴⁹ For example, we heard that awareness of child sexual abuse issues can be poor in some communities, and that children can miss out on prevention efforts and awareness-raising campaigns when they are not culturally tailored and accessible.⁵⁰ Parenting practices can differ across cultural contexts too, and out-of-home care placements may need

to take this into account so that children and carers can access the protective features of these practices.⁵¹ We also heard that staff in both mainstream and specialist support services need to be trained in culturally appropriate practices, with particular regard to issues affecting those from refugee backgrounds.⁵² Practice considerations and approaches related to culturally and linguistically diverse groups are discussed throughout the Final Report, particularly in Volumes 6, *Making institutions child safe* and Volume 9, *Advocacy, support and therapeutic treatment services*. Specific issues that affect all refugee and asylum seeker children in immigration detention are discussed together in Volume 15, *Contemporary detention environments*.

Volume 5, *Private sessions* provides a summary of themes emerging from private sessions with attendees from culturally and linguistically diverse backgrounds.

4.6 Our interim and other reports

In addition to the Final Report, the Terms of Reference directed the Commissioners to submit to the Governor-General an initial report of the results of the inquiry, any recommendations for early consideration and a recommendation for the date of submission of our Final Report. They authorised the Commissioners to submit any additional interim reports we considered appropriate. These reports described in the following pages should be regarded as one body of work.

A full catalogue of publications of the Royal Commission is in Appendix E.

4.6.1 Interim report

On 30 June 2014, in line with our Terms of Reference, the Commissioners submitted to the Governor-General an initial report of the results of the inquiry. We also submitted the report to the governors of New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania.

- Volume 1 of the interim report detailed the work completed at that time as well as the work Commissioners believed was still needed to fulfil our Terms of Reference. It also requested an extension of time to complete our inquiry.
- Volume 2 contained a representative sample of 150 de-identified personal stories from people who shared their experiences of abuse with Commissioners at a private session.

The report did not contain recommendations, as these were reserved until the inquiry was further progressed.

The interim report is available at www.childabuseroyalcommission.gov.au

4.6.2 Further reports

It was apparent early in the term of the Royal Commission that there were issues that should be addressed in reports released before the completion of our inquiry. In line with our authority to submit further reports to the Governor-General, we decided to report on, and make final recommendations in relation to, several issues as soon as our work on them was complete. They were:

- Working With Children Checks
- Redress and civil litigation
- Criminal justice.

By reporting on these discrete issues of significance early, we sought to give survivors and institutions more certainty. This also enabled governments and institutions to implement our recommendations as soon as possible.

We transmitted each report to the Governor-General and, once it was tabled in Parliament, published it on our website and printed and distributed copies.

The recommendations in these further reports are final. The recommendations have been restated in this report and remain unchanged from the time of their first publication.

4.6.3 Case study reports

After most public hearings, we published a report, known as a ‘case study report’, of the findings in relation to that hearing. Case study reports were submitted to the Governor-General, the governor of each state and the chief ministers of the territories, tabled in the Commonwealth Parliament, and most were made publicly available. By 31 August 2017, 35 such reports had been published.

A number of hearings were designed to gather particular information and discuss policy issues and did not result in case study reports. The learnings from these hearings are incorporated into the Final Report.

A list of the published case study reports is included in Appendix E.

In relation to some case studies, criminal proceedings commenced before, during or after the completion of our evidence and before the finalisation of the case study report. Our Terms of Reference required that our inquiry not prejudice current or future criminal or civil proceedings.⁵³

Consequently, in three case study reports we made redactions to material that might prejudice relevant criminal proceedings. We recommended to the Australian Government and to state and territory governments that the redacted version of each of those case study reports be tabled and published. We further recommended that those case study reports be published in unredacted form at the conclusion of relevant criminal proceedings.⁵⁴ Where we refer in this Final Report to case study reports which have been tabled with redactions, we apply the same redactions in this Final Report. We recommended that relevant parts of the Final Report be published in unredacted form at the conclusion of relevant criminal proceedings.

In two case study reports, redactions would not have been sufficient to address potential prejudice to relevant criminal proceedings. In relation to those case study reports, we recommended to the Australian Government and to state and territory governments that they not be tabled and published until the conclusion of relevant criminal proceedings.⁵⁵ In this Final Report we have referred to transcripts and exhibits from those two case studies where that material does not prejudice relevant criminal proceedings.

4.6.4 Research reports

The Commissioners initiated a comprehensive research program. Over the life of the inquiry, 59 research reports were published. These reports built on the existing body of research. They examined issues such as the history of institutions providing care to children, mandatory reporting, Working With Children Checks, legal protections against child sexual abuse, child exploitation materials, children's views about safety, and out-of-home care.

The research reports reflect the views of the authors and do not necessarily reflect the views of the Royal Commission. However, this research informed our recommendations for improving responses to child sexual abuse in institutional contexts.

A list of our published research reports is in Appendix E.

4.7 Documenting personal experiences

Thousands of people came forward to the Royal Commission and told us about their experiences. These stories helped identify the problems that need to be addressed and, taken together, make the most persuasive case for changes in how institutions respond to child sexual abuse.

We have taken care to give prominence to the personal stories of victims, survivors and others affected by abuse throughout the Final Report. These voices tell both of the abuse and of the unsatisfactory and often harmful responses by institutions and others.

We decided to publish as many survivors' experiences as possible, with their consent, as de-identified narratives drawn from private sessions and written accounts. The narratives are available as an online appendix to Volume 5, *Private sessions*.

These narratives – 3,955 in total – are presented as an account of the events that have remained largely hidden in our nation's history. We hope the stories will contribute to a better understanding of the profound impacts of child sexual abuse and help make our institutions safer for children in the future. The published narratives will also constitute a form of public memorial to these survivors, and recognise their courage in coming forward.

The personal experiences of survivors will also be preserved in the *Message to Australia* book. People who shared their story with the Royal Commission have provided short messages to the Australian community about their experiences and their hopes for creating a safer environment for children in the future. As outlined in Volume 17, *Beyond the Royal Commission*, the Message to Australia will be published as a book and housed at the National Library of Australia in Canberra and in all state and territory libraries. It will be available to members of the public and preserved for future generations.

Endnotes

- 1 The research limitations of data obtained from private sessions are discussed in Volume 2, *Nature and cause* and Volume 5, *Private sessions*.
- 2 See list of the Royal Commission's published research at Appendix E of this volume.
- 3 See list of the Royal Commission's issues papers and consultation papers at Appendix D of this volume.
- 4 R Tobler, A Rohrlach, J Soubrier, P Bover, B Llamas, J Tuke, N Bean, A Abdullah-Highfold, S Agius, A O'Donoghue, I O'Loughlin, P Sutton, F Zilio, K Walshe, A, Williams, C Turney, M Williams, S Richards, R Mitchell, E Kowal, J Stephen, L, Williams, W Haak & A Cooper, 'Aboriginal mitogenomes reveal 50,000 years of regionalism in Australia', *Nature*, vol 544, no 7649, 2017, pp 180–4.
- 5 M Gooda, *Social Justice and Native Title Report 2015*, Australian Human Rights Commission, Sydney, 2015, p 189; United Nations General Assembly, United Nations Declaration on the Rights of Indigenous Peoples, GA Resolution 61/295 (Annex), UN Doc A/RES/61/295 (2007).
- 6 Royal Commission into Aboriginal Deaths in Custody, *Royal Commission into Aboriginal Deaths in Custody: National Report*, Australian Government Publishing Service, Canberra, 1991; Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997.
- 7 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997.
- 8 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, p 266.
- 9 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, pp 41, 71.
- 10 P Anderson, M Bamblett, D Bessarab, L Bromfield, S Chan, G Maddock, K Menzies, M O'Connell, G Pearson, R Walker & M Wright, *Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 19.
- 11 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997; S Gordon, K Hallahan & D Henry, *Putting the picture together: Inquiry into response by government agencies to complaints of family violence and child abuse in Aboriginal communities*, Department of Premier and Cabinet, Western Australia, 2002; R Wild & P Anderson, *Report of the Northern Territory board of inquiry into the protection of Aboriginal children from sexual abuse*, Northern Territory Government, Darwin, 2007.
- 12 Australia, House of Representatives, 13 February 2008, *Debates*, vol HR42, pp 167–71 (K Rudd, Prime Minister of Australia).
- 13 J Breckenridge & G Flax, *Service and support needs of specific population groups who have experienced child sexual abuse*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 30; see also P Anderson, M Bamblett, D Bessarab, L Bromfield, S Chan, G Maddock, K Menzies, M O'Connell, G Pearson, R Walker & M Wright, *Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 6–18.
- 14 Australian Institute of Health and Welfare, *Child protection Australia 2015–16: Child welfare series number 63*, 2017, www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129554973 (Viewed 9 May 2017); Australian Institute of Health and Welfare, *Youth justice in Australia 2015–16: Bulletin 139*, 2017, www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129559053 (viewed 9 May 2017); P Anderson, M Bamblett, D Bessarab, L Bromfield, S Chan, G Maddock, K Menzies, M O'Connell, G Pearson, R Walker & M Wright, *Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 26–8. See the following submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse on *Issues paper No 4: Preventing sexual abuse of children in out-of-home care*, 2013: Secretariat of National Aboriginal and Islander Child Care; National Aboriginal and Torres Strait Islander Legal Service; Aboriginal Child, Family and Community Care State Secretariat New South Wales; Aboriginal Family Support Services South Australia; Queensland Aboriginal and Torres Strait Islander Child Protection Peak; Victorian Aboriginal Child Care Agency.
- 15 P Anderson, M Bamblett, D Bessarab, L Bromfield, S Chan, G Maddock, K Menzies, M O'Connell, G Pearson, R Walker & M Wright, *Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 26, 39.
- 16 Victorian Aboriginal Child Care Agency, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 3: Child safe institutions*, 2013. See the following submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse on *Issues paper No 4: Preventing sexual abuse of children in out-of-home care*, 2013; Secretariat of National Aboriginal and Islander Child Care; National Aboriginal and Torres Strait Islander Legal Service; Aboriginal Child, Family and Community Care State Secretariat New South Wales; Aboriginal Family Support Services South Australia; Queensland Aboriginal and Torres Strait Islander Child Protection Peak; Victorian Aboriginal Child Care Agency.

- 17 P Anderson, M Bamblett, D Bessarab, L Bromfield, S Chan, G Maddock, K Menzies, M O’Connell, G Pearson, R Walker & M Wright, *Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 33–41; Victorian Aboriginal Child Care Agency, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 3: Child safe institutions*, 2013. See the following submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse on *Issues paper No 4: Preventing sexual abuse of children in out-of-home care*, 2013: Secretariat of National Aboriginal and Islander Child Care; National Aboriginal and Torres Strait Islander Legal Service; Aboriginal Child, Family and Community Care State Secretariat New South Wales; Aboriginal Family Support Services South Australia; Queensland Aboriginal and Torres Strait Islander Child Protection Peak; Victorian Aboriginal Child Care Agency.
- 18 See the following submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse on *Issues paper No 7: Statutory victims of crime compensation schemes*, 2014: Aboriginal Family Violence Prevention and Legal Service Victoria, p 5; Aboriginal Legal Service of Western Australia, p 8; Central Australian Aboriginal Legal Aid Service & Central Australian Women’s Legal Service and Central Australian Aboriginal Family Legal Unit, pp 7–8. See also P Anderson, M Bamblett, D Bessarab, L Bromfield, S Chan, G Maddock, K Menzies, M O’Connell, G Pearson, R Walker & M Wright, *Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 31–3.
- 19 Wirringa Baiya Aboriginal Women’s Legal Centre, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 5: Civil litigation*, 2014, p 3; Victorian Aboriginal Child Care Agency, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 8: Experiences of police and prosecution responses*, 2015, p 2; P Anderson, M Bamblett, D Bessarab, L Bromfield, S Chan, G Maddock, K Menzies, M O’Connell, G Pearson, R Walker & M Wright, *Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 31. See the following submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse on *Issues paper No 7: Statutory victims of crime compensation schemes*, 2014: Women’s Legal Services NSW, p 6; Wirringa Baiya Aboriginal Women’s Legal Centre, p 17; Aboriginal Family Violence Prevention and Legal Service Victoria, p 5.
- 20 Victorian Aboriginal Child Care Agency, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 3: Child safe institutions*, 2013, p 9; Victorian Aboriginal Child Care Agency, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 8: Experiences of police and prosecution responses*, 2015, p 9.
- 21 Wirringa Baiya Aboriginal Women’s Legal Centre, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 7: Statutory victims of crime compensation schemes*, 2014, p 39; Aboriginal Child, Family and Community Care State Secretariat, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 10: Advocacy and support and therapeutic treatment services*, 2015, p 2. See also P Anderson, M Bamblett, D Bessarab, L Bromfield, S Chan, G Maddock, K Menzies, M O’Connell, G Pearson, R Walker & M Wright, *Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 30.
- 22 For example, Crime and Misconduct Commission (Qld), *Protecting children: An inquiry into abuse of children in foster care*, Crime and Misconduct Commission, Brisbane, 2004, pp 227–8; EP Mulligan, *Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry: A report into sexual abuse*, Children in State Care and Children on APY Lands Commission of Inquiry, South Australia, 2008, p 22; M Willis, ‘Non-disclosure of violence in Australian Indigenous communities’, *Trends and Issues in Crime and Criminal Justice*, No 405, Australian Institute of Criminology, Canberra, 2011.
- 23 Consistent with *Disability Discrimination Act 1992* (Cth); Department of Social Services, *National Disability Strategy 2010-2020: An initiative of the Council of Australian Governments*, Commonwealth of Australia, Canberra, 2011.
- 24 *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008), Preamble – paragraph (e).
- 25 L Jones, M Bellis, S Wood, K Hughes, E McCoy, L Eckley, G Bates, C Mikton, T Shakespeare & A Officer, ‘Prevalence and risk of violence against children with disabilities: A systemic review and meta-analysis of observational studies’, *The Lancet*, vol 380, no 9845, 2012, pp 902–5; P Sullivan & J Knutson, ‘Maltreatment and disabilities: A population-based epidemiological study’, *Child Abuse & Neglect*, vol 24, no 10, 2000, pp 1265–6.
- 26 G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 11.
- 27 G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 23, 30.
- 28 S Mansell, D Sobsey & P Calder, ‘Sexual abuse treatment for persons with developmental disabilities’, *Professional Psychology: Research and Practice*, vol 23, no 5, 1992, p 405; N Pilkinton, *People with disabilities and sexual assault: A review of the literature*, Family Planning NSW, Sydney, 2008, pp 41–45; H Brown, ‘Sexual abuse of children with disabilities’ in Council of Europe (eds), *Protecting children from sexual abuse: A comprehensive approach*, Council of Europe, Strasbourg, 2010, pp 105, 107–8; Senate Community Affairs References Committee, *Protecting vulnerable children: A national challenge*, Parliament House, Canberra, 2005, p 142.
- 29 G Llewellyn, S Wayland & G Hindmarsh, *Disability and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 7.

30 P Sullivan & J Knutson, 'Maltreatment and disabilities: A population-based epidemiological study', *Child Abuse & Neglect*,
vol 24, no 10, 2000, pp 1261–2.

31 I Hershkowitz, M Lamb & D Horowitz, 'Victimization of children with disabilities', *American Journal of Orthopsychiatry*,
vol 77, no 4, 2007, p 632; D Sobsey, D & S Mansell, 'Sexual abuse patterns of children with disabilities', *The International
Journal of Children's Rights*, vol 2, no 1, pp 97–8.

32 Name changed, private session, 'Jeanette'; Transcript of J Cadwallader, Case Study 24, 29 June 2015 at 14690:17–24,
14691:6–9; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 9: The
responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at
St Ann's Special School*, Sydney, 2015, pp 60–2; Children with Disability Australia, Submission to the Royal Commission
into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Advocacy and support and therapeutic treatment
services*, 2015, p 5.

33 People with Disability Australia, Submission to the Royal Commission into Institutional Responses to Child Sexual
Abuse, *Issues paper No 3: Child safe institutions*, 2013, p 10; S Mansell, D Sobsey & P Calder, 'Sexual abuse treatment
for persons with developmental disabilities', *Professional Psychology: Research and Practice*, vol 23, no 5, 1992, p 406;
Transcript of J Cadwallader, Case Study 24, 29 June 2015 at 14706:12–25, 14698:25–14699:11.

34 K Stalker & K McArthur, 'Child abuse, child protection and disabled children: A review of recent research', *Child Abuse
Review*, vol 21, no 1, 2012, pp 30–1; S Akbas, A Turla, Koray Karabekiroğlu, Ozan Pazvantoğlu, Tülay Keskin & Omer Böke,
'Characteristics of sexual abuse in a sample of Turkish children with and without mental retardation', *Sexuality and
Disability*, vol 27, no 4, 2009, p 210; E Martinello, 'Reviewing strategies for risk reduction of sexual abuse of children
with intellectual disabilities: A focus on early intervention', *Sexuality and Disability*, vol 32, no 2, 2014, p 171.

35 S Robinson, *Feeling safe, being safe: What is important to children and young people with disability and high support
needs about safety in institutional settings?*, report prepared for the Royal Commission into Institutional Responses
to Child Sexual Abuse, Sydney, 2016, p 65; K Walsh, L Brandon & L Kruck, *Audit of primary school-based sexual abuse
prevention policy and curriculum: Volumes 1 to 5*, report prepared for the Royal Commission into Institutional Responses
to Child Sexual Abuse, Sydney, 2017, p 60.

36 Names changed, private session, 'Marina' and 'Tammy'. See also Children With Disabilities Australia, Submission to
the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Addressing the risk of
child sexual abuse in primary and secondary schools*, 2014, pp 40–1; Royal Commission into Institutional Responses to
Child Sexual Abuse, *Report of Case Study No 9: The responses of the Catholic Archdiocese of Adelaide, and the South
Australian Police, to allegations of child sexual abuse at St Ann's Special School*, Sydney, 2015, pp 34–6; Transcript of L
Mosheev, Case Study 9, 18 March 2014 at 907:34–47; Australian Law Reform Commission, *Seen and heard: Priority for
children in the legal process*, ALRC Report 84, Commonwealth of Australia, Canberra, 1997, para 14.129.

37 Transcript of G Groves, Case Study 41, 13 July 2016 at 20269:31–43. See also Royal Commission into Institutional
Responses to Child Sexual Abuse, *Report of Case Study No 9: The responses of the Catholic Archdiocese of Adelaide, and
the South Australian Police, to allegations of child sexual abuse at St Ann's Special School*, Sydney, 2015, pp 21–2, 37–8.

38 Name changed, private session, 'Carly'; Australian Human Rights Commission, *Issues paper: Access to justice in the
criminal justice system for people with disability*, Sydney, 2013, pp 4–5.

39 Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal Justice* report, Sydney, 2017, pp 25, 76;
Exhibit 38-0042, 'Statement of Tracey Mackey', Case Study 38, STAT.0932.001.001_R. See also I Hepner, M Woodward
& J Stewart, 'Giving the vulnerable a voice in the criminal justice system: The use of intermediaries with individuals with
intellectual disability', *Psychiatry, Psychology and Law*, vol 22, no 3, pp 453–64.

40 For example, Name changed, private session, 'Gerald'; Children with Disability Australia, Submission to the Royal
Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 9: Advocacy and support and
therapeutic treatment services*, 2015, p 5. See also S Robinson, *Feeling safe, being safe: What is important to children
and young people with disability and high support needs about safety in institutional settings?*, report prepared for the
Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016; J Breckenridge & G Flax, *Service
and support needs of specific population groups that have experienced child sexual abuse*, report prepared for the Royal
Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016.

41 This terminology is consistent with usage across Australia, for example: Department of the Attorney-General, 'Culturally
and linguistically diverse people' in Department of the Attorney-General (ed), *Equality before the law: Bench book*,
Government of WA, Perth, 2009; Ethnic Communities' Council of Victoria, *Glossary of Terms*, 2012, [www.eccv.org.au/
library/file/document/ECCV_Glossary_of_Terms_23_October.docx](http://www.eccv.org.au/library/file/document/ECCV_Glossary_of_Terms_23_October.docx) (viewed 23 May 2017); Queensland Government,
Practice paper: Working with people from culturally and linguistically diverse backgrounds, Brisbane, 2010, p 4.

42 Name changed, private session, 'Cleo'; Name changed, private session, 'Aram'; Name changed, private session, 'Tumus'.
43 Name changed, private session, 'Cleo'; Name changed, private session, 'Aram'; Name changed, private session, 'Tumus'.
44 T Thomas & W Lau, *Psychological wellbeing of child and adolescent refugee and asylum seekers: Overview of major
research findings in the past ten years*, Australian Human Rights Commission, Sydney, 2002; Transcript of E Blades-
Hamilton, Case Study 46, 2 December 2016 at 26295:17–31; Australian Human Rights Commission, *The Forgotten Children:
National Inquiry into Children in Immigration Detention*, Australian Human Rights Commission, Sydney, 2014, pp 53, 112.

45 Royal Commission multicultural public forums, 2016.
46 Name changed, private session, 'Maria'.
47 Royal Commission multicultural public forums, 2016.
48 Royal Commission multicultural public forums, 2016.

- 49 See the following submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse on *Issues paper No 10: Advocacy and support and therapeutic treatment services*, 2015: Gippsland Centre Against Sexual Assault, p 8; Canberra Rape Crisis Centre; Service Assisting Male Survivors of Sexual Assault, p 10.
- 50 Royal Commission multicultural public forums, 2016; J Kaur, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation paper: Institutional Responses to Child Sexual Abuse in Out-of-home Care*, 2016, p 1.
- 51 K Lewig, F Arney & M Salveron, *The working with refugee families project*, Australian Centre for Child Protection, Adelaide, 2009, p 39; Royal Commission multicultural public forums, 2016.
- 52 See the following submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse on *Issues paper No 4: Preventing sexual abuse of children in out-of-home care*, 2013: Commissioner for Children and Young People Western Australia, p 2; Australian Association of Social Workers, p 17; Commission for Children and Young People, Victoria, p 8. See also CREATE Foundation, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper No 8: Experiences of police and prosecution responses*, 2015, p 4; Adults Surviving Child Abuse, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation paper: Redress and civil litigation*, 2015, p 9.
- 53 *Letters Patent* (Cth), 11 January 2013, (k).
- 54 This applied in respect of case study reports for *Case Study 28: Catholic Church authorities in Ballarat*, *Case Study 35: Catholic Archdiocese of Melbourne* and *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*.
- 55 This applied in respect of case study reports for *Case Study 43: The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious* and *Case Study 44: The response of the Catholic Dioceses of Armidale and Parramatta to allegations of child sexual abuse against a priest*.

APPENDICES

Appendix A Letters Patent

Commonwealth



ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,

Mr Robert Atkinson,

The Honourable Justice Jennifer Ann Coate,

Mr Robert William Fitzgerald AM,

Dr Helen Mary Milroy, and

Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

ENTERED ON RECORD by me in Register of Patents No. 40

page 2 on 11 January 2013

Secretary to the Federal Executive Council

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (a) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- (b) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (c) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;

- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- (f) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- (g) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (h) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- (i) the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the *Royal Commissions Act 1902* or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- (j) the need to establish investigation units to support your inquiry;
- (k) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (l) the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- (m) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- (ii) does not include the family.

institutional context: child sexual abuse happens in an *institutional context* if, for example:

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

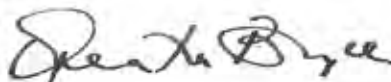
AND We:

- (n) require you to begin your inquiry as soon as practicable; and
- (o) require you to make your inquiry as expeditiously as possible; and
- (p) require you to submit to Our Governor-General:
 - (i) first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Prime Minister may, by notice in the *Gazette*, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and
 - (ii) then and as soon as possible, and in any event not later than the date Our Prime Minister may, by notice in the *Gazette*, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and
- (q) authorise you to submit to Our Governor-General any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 11th Jan. 2013



By Her Excellency's Command

Governor-General



Prime Minister



ENTERED ON RECORD by me in Register of Patents No. 49

page 31 on 13 November 2014

Secretary to the Federal Executive Council

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent "31 December 2015" and substituting "15 December 2017".

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC
(Ret'd), Governor-General of the Commonwealth of Australia.

Dated *17th November* 2014

A handwritten signature in black ink, appearing to read 'Peter Cosgrove'. To the left of the signature is a circular stamp containing the letters 'LS'.

Governor-General

By His Excellency's Command

A handwritten signature in black ink, appearing to read 'Geoffrey Blane'. The signature is written over a large, stylized signature of the Governor-General.

Attorney-General

NEW SOUTH WALES

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,

Mr Robert Atkinson,

The Honourable Justice Jennifer Ann Coate,

Mr Robert William Fitzgerald AM,

Dr Helen Mary Milroy, and

Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

ENTERED on the Record by me in Register of Patents No. 91 Page 27, this 25th day of January 2013.

DEPARTMENT OF PREMIER AND CABINET

As DIRECTOR GENERAL


AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor on the advice of the Executive Council and under the *Royal Commissions Act 1923* and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (a) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- (b) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (c) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;

- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- (f) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- (g) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (h) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- (i) the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 12AP of the *Royal Commissions Act 1923* or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- (j) the need to establish investigation units to support your inquiry;
- (k) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (l) the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- (m) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the Chairperson of the Commission.

AND We declare that the provisions of Division 2 of Part 2 of the *Royal Commissions Act 1923* are to have effect in relation to this Commission AND IT IS FURTHER declared that section 17 of the Act shall apply to and with respect to your inquiry.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by Our Governor-General of the Commonwealth of Australia, by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- (ii) does not include the family.

institutional context: child sexual abuse happens in an *institutional context* if, for example:

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

- (n) require you to begin your inquiry as soon as practicable, and
- (o) require you to make your inquiry as expeditiously as possible; and
- (p) require you to submit to Our Governor:
 - (i) first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Premier may, by notice in the *Gazette*, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and
 - (ii) then and as soon as possible, and in any event not later than the date Our Premier may, by notice in the *Gazette*, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and
- (q) authorise you to submit to Our Governor any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent and the Public Seal of Our State to be hereunto affixed.



WITNESS Her Excellency Professor Marie Bashir, Companion of the Order of Australia, Commander of the Royal Victorian Order, Governor of the State of New South Wales in the Commonwealth of Australia.

Dated this 25th day of January 2013.

Handwritten signature of Marie Bashir in black ink.

Governor

By Her Excellency's Command,

Handwritten signature of the Premier in blue ink.

Premier.

NEW SOUTH WALES

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,

Mr Robert Atkinson,

The Honourable Justice Jennifer Ann Coate,

Mr Robert William Fitzgerald AM,

Dr Helen Mary Milroy, and

Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor on the advice of the Executive Council, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to vary Our Letters Patent to require you to submit to Our Governor a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor on the advice of the Executive Council and under the *Royal Commissions Act 1923* and every other enabling power, vary the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent "31 December 2015" and substituting "15 December 2017".

ENTERED on the Record by me in Register of Patents No. 91 Page 386, this 25th day of February, 2015.

DEPARTMENT OF PREMIER AND CABINET

SECRETARY



IN WITNESS, We have caused these Our Letters to be made Patent and the Public Seal of Our State to be hereunto affixed.




WITNESS His Excellency General The Honourable David Hurley, Companion of the Order of Australia, Distinguished Service Cross, (Retired), Governor of the State of New South Wales in the Commonwealth of Australia.

Dated this 25th day of February 2015.



Governor

By His Excellency's Command,



Premier.

LETTERS PATENT

ELIZABETH THE SECOND, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO)

The Honourable Justice Peter David McClellan AM,

Mr Robert Atkinson,

The Honourable Justice Jennifer Ann Coate,

Mr Robert William Fitzgerald AM,

Dr Helen Mary Milroy, and

Mr Andrew James Marshall Murray

GREETING:

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional

contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do by these Our Letters Patent issued in Our name by Our Governor in and over Our State of Queensland acting by and with the advice of Our Executive Council of Our State of Queensland and in pursuance of the *Commissions of Inquiry Act 1950* and all other powers her therunto enabling HEREBY APPOINT YOU to be Commissioners to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (a) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- (b) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (c) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- (f) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- (g) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;

- (h) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- (i) the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with any relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- (j) the need to establish investigation units to support your inquiry;
- (k) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (l) the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- (m) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the chairperson of the Commission.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by Our Governor-General of the Commonwealth of Australia or any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

Institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- (ii) does not include the family.

Institutional context: child sexual abuse happens in an *institutional context* if, for example:

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

- (a) require you to begin your inquiry as soon as practicable, and

- (o) require you to make your inquiry as expeditiously as possible; and
- (p) require you to submit to Our Governor:
 - (i) first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Premier may, by notice in the Gazette, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and
 - (ii) then and as soon as possible, and in any event not later than the date Our Premier may, by notice in the Gazette, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and
- (q) authorise you to submit to Our Governor any additional interim reports that you consider appropriate.

IN TESTIMONY WHEREOF We have caused the Public Seal of Our said State to be hereunto affixed.



Penelope Anne Wensley

WITNESS Our Trusty and Well-beloved Her Excellency Penelope Anne Wensley, Companion of the Order of Australia, Governor in and over the State of Queensland and its Dependencies, in the Commonwealth of Australia, at Government House, Brisbane this twenty-fourth day of January in the year of Our Lord, Two thousand and thirteen and in the Sixty-first year of Our Reign.

By Command

RECORDED in the Register of Patents, No. 49, page 8, on 24 January 2013.

[Signature]
Clerk of the Executive Council

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor in and over Our State of Queensland, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor a report of the results of your inquiry, and your recommendations by no later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor in and over Our State of Queensland by and with the advice of Our Executive Council of our State of Queensland and in pursuance of the *Commissions of Inquiry Act 1950* and all other powers thereunto enabling, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent "31 December 2015" and substituting "15 December 2017".

IN TESTIMONY WHEREOF We have caused the Public Seal of Our said State to hereunto affixed.



Paul de Jersey

WITNESS Our Trusty and Well-beloved His Excellency the Honourable Paul de Jersey, Companion of the Order of Australia, Governor in and over the State of Queensland and its Dependencies, in the Commonwealth of Australia, at Government House, Brisbane this 19th day of MARCH in the year of Our Lord, Two thousand and fifteen and in the Sixty-fourth year of Our Reign.

By Command

[Signature]

RECORDED in the Register of Patents, No. 50, page 57, on 19 MARCH 2015.

[Signature]
Clerk of the Executive Council



South



Australia

(TO WIT)

HIS EXCELLENCY REAR ADMIRAL KEVIN JOHN SCARCE, Companion in the Order of Australia, Conspicuous Service Cross, Governor in and over the State of South Australia:

TO

THE HONOURABLE JUSTICE PETER DAVID McCLELLAN AM

Greeting:

Whereas all children deserve a safe and happy childhood,

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

I, the Governor, with the advice and consent of the Executive Council and under the *Royal Commissions Act 1917*, DO HEREBY APPOINT YOU to be Commissioners and require and authorise you to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (a) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- (b) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (c) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND I direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- (f) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;

- (g) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (h) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND I further declare that you are not required by this commission to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and I authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- (i) the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things:
 - (i) that, in your opinion, relate, or that may relate, to a contravention of a law, or evidence of a contravention of a law, of the Commonwealth, of a State or of a Territory to the Attorney-General of the Commonwealth, of a State, of the Australian Capital Territory or of the Northern Territory, or the Director of Public Prosecutions, or the Commissioner of the Australian Federal Police or of the Police Force of a State or of the Northern Territory, or the authority or person responsible for the administration or enforcement of that law; or
 - (ii) that, in your opinion, relate or may relate to a matter into which another Commission is required or authorised to inquire, to that other Commission; or
 - (iii) that, in your opinion, relate or may relate to the performance of the functions of the Australian Crime Commission, to the Chief Executive Officer of the Australian Crime Commission; or
 - (iv) that, in your opinion, relate or may relate to the performance of the functions of the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*), to the Integrity Commissioner; or
 - (v) that, in your opinion, relate or may relate to corruption in public administration, misconduct in public administration or maladministration in public administration (within the meaning of the *Independent Commissioner Against Corruption Act 2012*, to the Office for Public Integrity;
 - (vi) as otherwise authorised by law;
- (j) the need to establish investigation units to support your inquiry;

- (k) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (l) the need to establish appropriate arrangements in relation to current and previous inquiries, in South Australia and elsewhere (whether or not in Australia), for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- (m) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND, pursuant to Section 4 of the *Royal Commissions Act 1917*, I appoint you, The Honourable Justice Peter David McClellan AM, to be the Chairman of the Commission.

AND, pursuant to Section 4 (2) of the *Royal Commissions Act 1917*, I authorise you to sit independently to conduct parts or aspects of your inquiry that are, by direction of the Chairman, to be dealt with independently by individual Commissioners.

AND I declare that you are authorised to conduct your inquiry into any matter under this commission in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by the Governor-General or any of the Governors of the States or by the Government of any of the Territories.

AND I declare that in this Commission:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and

- (ii) does not include the family.

institutional context: child sexual abuse happens in an **institutional context** if, for example:

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.


AND I:

- (n) require you to begin your inquiry as soon as practicable, and
- (o) require you to make your inquiry as expeditiously as possible; and
- (p) require you to submit to me:
 - (i) first and as soon as possible, an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date for the submission of your final report; and

- (ii) then and as soon as possible your final report of the results of your inquiry and your recommendations; and
- (q) authorise you to submit to me any additional interim reports that you consider appropriate.

GIVEN under my hand and the Public Seal of South Australia, at Adelaide, this 7th day of March 2013.

By command,



for Premier

Recorded in Register of Commissions,
Letters Patent, Etc., Vol. XXVII

B. E. Christensen
Clerk of Executive Council

GOD SAVE THE QUEEN!



South



Australia

(TO WIT)

HIS EXCELLENCY REAR ADMIRAL KEVIN JOHN SCARCE, Companion in the Order of Australia, Conspicuous Service Cross, Governor in and over the State of South Australia:

TO

ROBERT ATKINSON

Greeting:

Whereas all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

I, the Governor, with the advice and consent of the Executive Council and under the *Royal Commissions Act 1917*, DO HEREBY APPOINT YOU to be Commissioners and require and authorise you to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (a) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- (b) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (c) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND I direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- (f) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;

- (g) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (h) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND I further declare that you are not required by this commission to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and I authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- (i) the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things:
 - (i) that, in your opinion, relate, or that may relate, to a contravention of a law, or evidence of a contravention of a law, of the Commonwealth, of a State or of a Territory to the Attorney-General of the Commonwealth, of a State, of the Australian Capital Territory or of the Northern Territory, or the Director of Public Prosecutions, or the Commissioner of the Australian Federal Police or of the Police Force of a State or of the Northern Territory, or the authority or person responsible for the administration or enforcement of that law; or
 - (ii) that, in your opinion, relate or may relate to a matter into which another Commission is required or authorised to inquire, to that other Commission; or
 - (iii) that, in your opinion, relate or may relate to the performance of the functions of the Australian Crime Commission, to the Chief Executive Officer of the Australian Crime Commission; or
 - (iv) that, in your opinion, relate or may relate to the performance of the functions of the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*), to the Integrity Commissioner; or
 - (v) that, in your opinion, relate or may relate to corruption in public administration, misconduct in public administration or maladministration in public administration (within the meaning of the *Independent Commissioner Against Corruption Act 2012*, to the Office for Public Integrity;
 - (vi) as otherwise authorised by law;
- (j) the need to establish investigation units to support your inquiry;

- (k) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (l) the need to establish appropriate arrangements in relation to current and previous inquiries, in South Australia and elsewhere (whether or not in Australia), for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- (m) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND, pursuant to Section 4 of the *Royal Commissions Act 1917*, I appoint you, The Honourable Justice Peter David McClellan AM, to be the Chairman of the Commission.

AND, pursuant to Section 4 (2) of the *Royal Commissions Act 1917*, I authorise you to sit independently to conduct parts or aspects of your inquiry that are, by direction of the Chairman, to be dealt with independently by individual Commissioners.

AND I declare that you are authorised to conduct your inquiry into any matter under this commission in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by the Governor-General or any of the Governors of the States or by the Government of any of the Territories.

AND I declare that in this Commission:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and

- (ii) does not include the family.

institutional context: child sexual abuse happens in an ***institutional context*** if, for example:

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND I:

- (n) require you to begin your inquiry as soon as practicable, and
- (o) require you to make your inquiry as expeditiously as possible; and
- (p) require you to submit to me:
 - (i) first and as soon as possible, an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date for the submission of your final report; and

- (ii) then and as soon as possible your final report of the results of your inquiry and your recommendations; and
- (q) authorise you to submit to me any additional interim reports that you consider appropriate.

GIVEN under my hand and the Public Seal of South Australia, at Adelaide, this 7th day of March 2013.

By command,



for Premier

Recorded in Register of Commissions,
Letters Patent, Etc., Vol. XXVII

B. E. Christensen
Clerk of Executive Council

GOD SAVE THE QUEEN!



South



Australia

(TO WIT)

HIS EXCELLENCY REAR ADMIRAL KEVIN JOHN SCARCE, Companion in the Order of Australia, Conspicuous Service Cross, Governor in and over the State of South Australia:

TO

THE HONOURABLE JUSTICE JENNIFER ANN COATE

Greeting:

Whereas all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

I, the Governor, with the advice and consent of the Executive Council and under the *Royal Commissions Act 1917*, DO HEREBY APPOINT YOU to be Commissioners and require and authorise you to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (a) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- (b) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (c) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND I direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- (f) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;

- (g) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (h) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND I further declare that you are not required by this commission to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and I authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- (i) the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things:
 - (i) that, in your opinion, relate, or that may relate, to a contravention of a law, or evidence of a contravention of a law, of the Commonwealth, of a State or of a Territory to the Attorney-General of the Commonwealth, of a State, of the Australian Capital Territory or of the Northern Territory, or the Director of Public Prosecutions, or the Commissioner of the Australian Federal Police or of the Police Force of a State or of the Northern Territory, or the authority or person responsible for the administration or enforcement of that law; or
 - (ii) that, in your opinion, relate or may relate to a matter into which another Commission is required or authorised to inquire, to that other Commission; or
 - (iii) that, in your opinion, relate or may relate to the performance of the functions of the Australian Crime Commission, to the Chief Executive Officer of the Australian Crime Commission; or
 - (iv) that, in your opinion, relate or may relate to the performance of the functions of the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*), to the Integrity Commissioner; or
 - (v) that, in your opinion, relate or may relate to corruption in public administration, misconduct in public administration or maladministration in public administration (within the meaning of the *Independent Commissioner Against Corruption Act 2012*, to the Office for Public Integrity;
 - (vi) as otherwise authorised by law;
- (j) the need to establish investigation units to support your inquiry;

- (k) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (l) the need to establish appropriate arrangements in relation to current and previous inquiries, in South Australia and elsewhere (whether or not in Australia), for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- (m) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND, pursuant to Section 4 of the *Royal Commissions Act 1917*, I appoint you, The Honourable Justice Peter David McClellan AM, to be the Chairman of the Commission.

AND, pursuant to Section 4 (2) of the *Royal Commissions Act 1917*, I authorise you to sit independently to conduct parts or aspects of your inquiry that are, by direction of the Chairman, to be dealt with independently by individual Commissioners.

AND I declare that you are authorised to conduct your inquiry into any matter under this commission in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by the Governor-General or any of the Governors of the States or by the Government of any of the Territories.

AND I declare that in this Commission:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and

- (ii) does not include the family.

institutional context: child sexual abuse happens in an **institutional context** if, for example:

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND I:

- (n) require you to begin your inquiry as soon as practicable, and
- (o) require you to make your inquiry as expeditiously as possible; and
- (p) require you to submit to me:
 - (i) first and as soon as possible, an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date for the submission of your final report; and

- (ii) then and as soon as possible your final report of the results of your inquiry and your recommendations; and
- (q) authorise you to submit to me any additional interim reports that you consider appropriate.

GIVEN under my hand and the Public Seal of South Australia, at Adelaide, this 7th day of March 2013.

By command,



for Premier

Recorded in Register of Commissions,
Letters Patent, Etc., Vol. XXVII

B. B. Christensen
Clerk of Executive Council

GOD SAVE THE QUEEN!



South



Australia

(TO WIT)

HIS EXCELLENCY REAR ADMIRAL KEVIN JOHN SCARCE, Companion in the Order of Australia, Conspicuous Service Cross, Governor in and over the State of South Australia:

TO

ROBERT WILLIAM FITZGERALD AM

Greeting:

Whereas all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

I, the Governor, with the advice and consent of the Executive Council and under the *Royal Commissions Act 1917*, DO HEREBY APPOINT YOU to be Commissioners and require and authorise you to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (a) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- (b) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (c) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND I direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- (f) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;

- (g) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (h) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND I further declare that you are not required by this commission to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and I authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- (i) the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things:
 - (i) that, in your opinion, relate, or that may relate, to a contravention of a law, or evidence of a contravention of a law, of the Commonwealth, of a State or of a Territory to the Attorney-General of the Commonwealth, of a State, of the Australian Capital Territory or of the Northern Territory, or the Director of Public Prosecutions, or the Commissioner of the Australian Federal Police or of the Police Force of a State or of the Northern Territory, or the authority or person responsible for the administration or enforcement of that law; or
 - (ii) that, in your opinion, relate or may relate to a matter into which another Commission is required or authorised to inquire, to that other Commission; or
 - (iii) that, in your opinion, relate or may relate to the performance of the functions of the Australian Crime Commission, to the Chief Executive Officer of the Australian Crime Commission; or
 - (iv) that, in your opinion, relate or may relate to the performance of the functions of the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*), to the Integrity Commissioner; or
 - (v) that, in your opinion, relate or may relate to corruption in public administration, misconduct in public administration or maladministration in public administration (within the meaning of the *Independent Commissioner Against Corruption Act 2012*, to the Office for Public Integrity;
 - (vi) as otherwise authorised by law;
- (j) the need to establish investigation units to support your inquiry;

- (k) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (l) the need to establish appropriate arrangements in relation to current and previous inquiries, in South Australia and elsewhere (whether or not in Australia), for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- (m) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND, pursuant to Section 4 of the *Royal Commissions Act 1917*, I appoint you, The Honourable Justice Peter David McClellan AM, to be the Chairman of the Commission.

AND, pursuant to Section 4 (2) of the *Royal Commissions Act 1917*, I authorise you to sit independently to conduct parts or aspects of your inquiry that are, by direction of the Chairman, to be dealt with independently by individual Commissioners.

AND I declare that you are authorised to conduct your inquiry into any matter under this commission in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by the Governor-General or any of the Governors of the States or by the Government of any of the Territories.

AND I declare that in this Commission:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and

- (ii) does not include the family.

institutional context: child sexual abuse happens in an **institutional context** if, for example:

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND I:

- (n) require you to begin your inquiry as soon as practicable, and
- (o) require you to make your inquiry as expeditiously as possible; and
- (p) require you to submit to me:
 - (i) first and as soon as possible, an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date for the submission of your final report; and

- (ii) then and as soon as possible your final report of the results of your inquiry and your recommendations; and
- (q) authorise you to submit to me any additional interim reports that you consider appropriate.

GIVEN under my hand and the Public Seal of South Australia, at Adelaide, this 7th day of March 2013.

By command,



for Premier

Recorded in Register of Commissions,
Letters Patent, Etc., Vol. XXVII

B. E. Christensen
Clerk of Executive Council

GOD SAVE THE QUEEN!



South



Australia

(TO WIT)

HIS EXCELLENCY REAR ADMIRAL KEVIN JOHN SCARCE, Companion in the Order of Australia, Conspicuous Service Cross, Governor in and over the State of South Australia:

TO

HELEN MARY MILROY

Greeting:

Whereas all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

I, the Governor, with the advice and consent of the Executive Council and under the *Royal Commissions Act 1917*, DO HEREBY APPOINT YOU to be Commissioners and require and authorise you to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (a) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- (b) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (c) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND I direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- (f) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;

- (g) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (h) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND I further declare that you are not required by this commission to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and I authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- (i) the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things:
 - (i) that, in your opinion, relate, or that may relate, to a contravention of a law, or evidence of a contravention of a law, of the Commonwealth, of a State or of a Territory to the Attorney-General of the Commonwealth, of a State, of the Australian Capital Territory or of the Northern Territory, or the Director of Public Prosecutions, or the Commissioner of the Australian Federal Police or of the Police Force of a State or of the Northern Territory, or the authority or person responsible for the administration or enforcement of that law; or
 - (ii) that, in your opinion, relate or may relate to a matter into which another Commission is required or authorised to inquire, to that other Commission; or
 - (iii) that, in your opinion, relate or may relate to the performance of the functions of the Australian Crime Commission, to the Chief Executive Officer of the Australian Crime Commission; or
 - (iv) that, in your opinion, relate or may relate to the performance of the functions of the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*), to the Integrity Commissioner; or
 - (v) that, in your opinion, relate or may relate to corruption in public administration, misconduct in public administration or maladministration in public administration (within the meaning of the *Independent Commissioner Against Corruption Act 2012*, to the Office for Public Integrity;
 - (vi) as otherwise authorised by law;
- (j) the need to establish investigation units to support your inquiry;

- (k) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (l) the need to establish appropriate arrangements in relation to current and previous inquiries, in South Australia and elsewhere (whether or not in Australia), for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- (m) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND, pursuant to Section 4 of the *Royal Commissions Act 1917*, I appoint you, The Honourable Justice Peter David McClellan AM, to be the Chairman of the Commission.

AND, pursuant to Section 4 (2) of the *Royal Commissions Act 1917*, I authorise you to sit independently to conduct parts or aspects of your inquiry that are, by direction of the Chairman, to be dealt with independently by individual Commissioners.

AND I declare that you are authorised to conduct your inquiry into any matter under this commission in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by the Governor-General or any of the Governors of the States or by the Government of any of the Territories.

AND I declare that in this Commission:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and

- (ii) does not include the family.

institutional context: child sexual abuse happens in an **institutional context** if, for example:

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND I:

- (n) require you to begin your inquiry as soon as practicable, and
- (o) require you to make your inquiry as expeditiously as possible; and
- (p) require you to submit to me:
 - (i) first and as soon as possible, an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date for the submission of your final report; and

- (ii) then and as soon as possible your final report of the results of your inquiry and your recommendations; and
- (q) authorise you to submit to me any additional interim reports that you consider appropriate.

GIVEN under my hand and the Public Seal of South Australia, at Adelaide, this 7th day of March 2013.

By command,




for Premier

Recorded in Register of Commissions,
Letters Patent, Etc., Vol. XXVII

Clerk of Executive Council

GOD SAVE THE QUEEN!



South



Australia

(TO WIT)

HIS EXCELLENCY REAR ADMIRAL KEVIN JOHN SCARCE, Companion in the Order of Australia, Conspicuous Service Cross, Governor in and over the State of South Australia:

TO

ANDREW JAMES MARSHALL MURRAY

Greeting:

Whereas all children deserve a safe and happy childhood,

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

I, the Governor, with the advice and consent of the Executive Council and under the *Royal Commissions Act 1917*, DO HEREBY APPOINT YOU to be Commissioners and require and authorise you to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (a) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- (b) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (c) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND I direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- (f) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;

- (g) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (h) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND I further declare that you are not required by this commission to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and I authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- (i) the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things:
 - (i) that, in your opinion, relate, or that may relate, to a contravention of a law, or evidence of a contravention of a law, of the Commonwealth, of a State or of a Territory to the Attorney-General of the Commonwealth, of a State, of the Australian Capital Territory or of the Northern Territory, or the Director of Public Prosecutions, or the Commissioner of the Australian Federal Police or of the Police Force of a State or of the Northern Territory, or the authority or person responsible for the administration or enforcement of that law; or
 - (ii) that, in your opinion, relate or may relate to a matter into which another Commission is required or authorised to inquire, to that other Commission; or
 - (iii) that, in your opinion, relate or may relate to the performance of the functions of the Australian Crime Commission, to the Chief Executive Officer of the Australian Crime Commission; or
 - (iv) that, in your opinion, relate or may relate to the performance of the functions of the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*), to the Integrity Commissioner; or
 - (v) that, in your opinion, relate or may relate to corruption in public administration, misconduct in public administration or maladministration in public administration (within the meaning of the *Independent Commissioner Against Corruption Act 2012*, to the Office for Public Integrity;
 - (vi) as otherwise authorised by law;
- (j) the need to establish investigation units to support your inquiry;

- (k) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (l) the need to establish appropriate arrangements in relation to current and previous inquiries, in South Australia and elsewhere (whether or not in Australia), for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- (m) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND, pursuant to Section 4 of the *Royal Commissions Act 1917*, I appoint you, The Honourable Justice Peter David McClellan AM, to be the Chairman of the Commission.

AND, pursuant to Section 4 (2) of the *Royal Commissions Act 1917*, I authorise you to sit independently to conduct parts or aspects of your inquiry that are, by direction of the Chairman, to be dealt with independently by individual Commissioners.

AND I declare that you are authorised to conduct your inquiry into any matter under this commission in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by the Governor-General or any of the Governors of the States or by the Government of any of the Territories.

AND I declare that in this Commission:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and

- (ii) does not include the family.

institutional context: child sexual abuse happens in an **institutional context** if, for example:

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

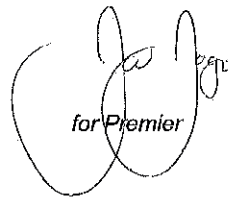
AND I:

- (n) require you to begin your inquiry as soon as practicable, and
- (o) require you to make your inquiry as expeditiously as possible; and
- (p) require you to submit to me:
 - (i) first and as soon as possible, an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date for the submission of your final report; and

- (ii) then and as soon as possible your final report of the results of your inquiry and your recommendations; and
- (q) authorise you to submit to me any additional interim reports that you consider appropriate.

GIVEN under my hand and the Public Seal of South Australia, at Adelaide, this 7th day of March 2013.

By command,



for Premier

Recorded in Register of Commissions,
Letters Patent, Etc., Vol. XXVII

B. E. Christensen
Clerk of Executive Council

GOD SAVE THE QUEEN!



Tasmania

**Order Under the
*Commissions of Inquiry Act 1995***

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry

will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, being satisfied that it is in the public interest and expedient to do so, by this my order made under Section 4 of the Commissions of Inquiry Act 1995 –

- (a) Direct that an Inquiry be made into the Institutional Responses to Child Sexual Abuse.
- (b) Establish a Commission to conduct and report, with such recommendations as it may consider appropriate, on the Inquiry.
- (c) Appoint
The Honourable Justice Peter David McClellan AM
Mr Robert Atkinson
The Honourable Justice Jennifer Ann Coate
Mr Robert William Fitzgerald AM
Dr Helen Mary Milroy and
Mr Andrew James Marshall Murray
as members of the Commission.
- (d) Appoint the Honourable Justice Peter David McClellan AM as President of the Commission.

AND I require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (i) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- (ii) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;

- (iii) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- (iv) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND I direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (i) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- (ii) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- (v) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (vi) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND I further declare that you are not required by this Order to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, I direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and I authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- (i) the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the *Royal Commissions Act 1902* or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- (j) the need to establish investigation units to support your inquiry;
- (k) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (l) the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- (m) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND I declare that you are authorised to conduct your inquiry into any matter under this Order in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any

Commission, or under any order or appointment, made by the Governor General of the Commonwealth of Australia, by any of the Governors of the States or by the Government of any of the Territories.

AND I declare that in this Order:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- (ii) does not include the family.

institutional context: child sexual abuse happens in an *institutional context* if, for example:

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND I:

- (n) require you to begin your inquiry as soon as practicable, and
- (o) require you to make your inquiry as expeditiously as possible; and
- (p) require you to submit to me :
 - (i) first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as I may order), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015 (or such later date as I may order), to be fixed for the submission of your final report; and
 - (ii) then and as soon as possible, and in any event not later than the date I may order, your final report of the results of your inquiry and your recommendations; and

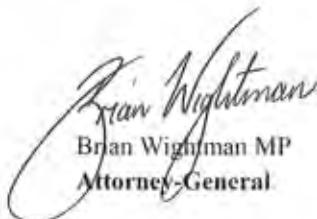
- (q) authorise you to submit to me any additional interim reports that you consider appropriate.

Dated 4 March 2013



Governor

By His Excellency's Command



Brian Wightman MP
Attorney-General

**Order under the
*Commissions of Inquiry Act 1995***

TO

The Honourable Justice Peter David McClellan AM
Mr Robert Atkinson
The Honourable Justice Jennifer Ann Coate
Mr Robert William Fitzgerald AM
Dr Helen Mary Milroy and
Mr Andrew James Marshall Murray

GREETING

WHEREAS I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council by order made 4 March 2013 ("the order") established a Commission of Inquiry under Section 4 of the *Commissions of Inquiry Act 1995* and appointed you as a Commission of Inquiry

AND it is desired to amend the order

NOW THEREFORE I, acting with the advice of the Executive Council, by this further order made under Section 4 of the *Commissions of Inquiry Act 1995* and Section 22 of the *Acts Interpretation Act 1931*

AMEND the order

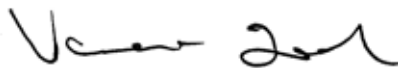
- (a) by omitting from paragraph (p)(i) "31 December 2015" and substituting "15 December 2017".

Dated 10 FEB 2015



Governor

By Her Excellency's Command



Hon Dr Vanessa Goodwin MLC
Attorney-General

**ELIZABETH THE SECOND, BY THE GRACE OF GOD
QUEEN OF AUSTRALIA AND HER OTHER REALMS AND TERRITORIES,
HEAD OF THE COMMONWEALTH:**

To The Honourable Justice Peter David McClellan AM
 Mr Robert Atkinson AO APM
 The Honourable Justice Jennifer Ann Coate
 Mr Robert William Fitzgerald AM
 Dr Helen Mary Milroy
 Mr Andrew James Marshall Murray

GREETINGS:

WHEREAS the Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the *Constitution of the Commonwealth of Australia*, the *Royal Commissions Act 1902* (Cth) and every other enabling power, has by Letters Patent appointed you to be a Commission of inquiry to inquire into, and report upon, certain matters relating to institutional responses to allegations and incidents of child sexual abuse and related matters.

AND the Governor-General has declared that you are authorised to conduct that inquiry in combination with any inquiry into the same matter, or a matter related to that matter, that it is directed or authorised to conduct by any Commission issued, or under any order or appointment made, by any of the Governors of the States or the Government of any Territory.

AND the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council, has deemed it expedient that a Commission should issue to you in the terms set out below.

AND WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council and acting pursuant to section 88B of the *Constitution Act 1975* and all other enabling powers, appoints and constitutes you to be Our Commissioners.

FOR THE PURPOSE OF inquiring into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (a) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- (b) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about,

allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;

- (c) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- (d) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND WE direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- (f) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- (g) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- (h) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND WE further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are

satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- (i) the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with any relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- (j) the need to establish investigation units to support your inquiry;
- (k) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- (l) the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- (m) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND WE hereby appoint the Honourable Justice Peter David McClellan AM, to be the Chair of the Commission.

AND WE declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission issued, or under any order or appointment made, by the Governor-

General of the Commonwealth or the Governor of any other State or by the Government of any Territory.

AND WE give and grant you full power and authority to inquire of and concerning any matter under these Our Letters Patent by all other lawful ways and means whatsoever, including by receiving evidence, either upon oath or affirmation, or otherwise.

AND WE declare that the powers of the Commission at the discretion of the Chair may, at any time, be exercised by one or more Commissioner.

AND WE declare that the Chair may make directions as to the procedures by which the Commission will conduct its inquiry.

AND WE declare that in these Our Letters Patent:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- (ii) does not include the family.

institutional context: child sexual abuse happens in an **institutional context** if, for example:

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution)

where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or

- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND WE:

- (n) require you to begin your inquiry as soon as practicable, and
- (o) require you to make your inquiry as expeditiously as possible; and
- (p) require you to submit to the Governor:
 - (i) first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as the Premier may, by notice in the Government Gazette, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial

report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and

(ii) then and as soon as possible, and in any event not later than the date the Premier may, by notice in the Government Gazette, fix on your recommendation your final report of the results of your inquiry and your recommendations; and

(q) authorise you to submit to the Governor any additional interim reports that you consider appropriate.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Seal of the State to be hereunder affixed.



WITNESS His Excellency the Honourable Alex Chernov, Companion of the Order of Australia, one of Her Majesty's Counsel, Governor of the State of Victoria in the Commonwealth of Australia at Melbourne this 12th day of February Two thousand and thirteen.

Alex Chernov
By His Excellency's Command

TED BAILLIEU MLA
Premier of Victoria

A large, stylized handwritten signature in black ink, likely belonging to Ted Baillieu.

Entered on the record by me in the Register of Patents Book No 45 Page No 75
on the 12th day of February 2013.

Heidi Smith
Secretary, Department of Premier and Cabinet

**ELIZABETH THE SECOND, BY THE GRACE OF GOD
QUEEN OF AUSTRALIA AND HER OTHER REALMS AND TERRITORIES,
HEAD OF THE COMMONWEALTH:**

To The Honourable Justice Peter David McClellan AM
 Mr Robert Atkinson AO APM
 The Honourable Justice Jennifer Ann Coate
 Mr Robert William Fitzgerald AM
 Dr Helen Mary Milroy
 Mr Andrew James Marshall Murray

GREETINGS:

WHEREAS the Governor-General of the Commonwealth of Australia, on the advice of the Federal Executive Council and under the *Constitution of the Commonwealth of Australia*, the *Royal Commissions Act 1902* (Cth) and all other enabling powers, has by Letters Patent dated 11 January 2013 appointed you to be a Commission of inquiry to inquire into, and report upon, institutional responses to allegations and incidents child sexual abuse and related matters, and required you to submit to the Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND the Governor-General has declared that you are authorised to conduct that inquiry in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission issued, or under any order or appointment made, by any of the Governors of the States or the Government of any Territory.

AND the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council and under section 88B of the *Constitution Act 1975* and all other enabling powers, by Letters Patent dated 12 February 2013 also issued a Commission to you to inquire into, and report upon, institutional responses to allegations and incidents of child sexual abuse and related matters, and required you to submit to the Governor of the State of Victoria a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND the Governor-General of the Commonwealth of Australia, on the advice of the Federal Executive Council and under the *Constitution of the Commonwealth of Australia*, the *Royal Commissions Act 1902* (Cth) and every other enabling power, has by Letters Patent dated 13 November 2014 amended the Letters Patent issued to you by the Governor-General to fix a later reporting date of 15 December 2017 instead of 31 December 2015.

AND WHEREAS the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council, has deemed it expedient to fix a later reporting date.

NOW THEREFORE the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council and acting pursuant to section 150 of the *Inquiries Act 2014* and all other enabling powers, hereby amends the Letters Patent issued to you by the Governor of the State of Victoria by omitting from subparagraph (p)(i) "31 December 2015" and substituting "15 December 2017".

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Seal of the State to be hereunder affixed.

WITNESS Her Excellency the Honourable Linda Dessau, Member of the Order of Australia, Governor of the State of Victoria in the Commonwealth of Australia at Melbourne this 15th day of December two thousand and fifteen.



Handwritten signature of Linda Dessau in black ink.

LINDA DESSAU
The Honourable Linda Dessau AM
Governor
By Her Excellency's Command

Handwritten signature of Daniel Andrews in black ink.

DANIEL ANDREWS
The Honourable Daniel Andrews MP
Premier of Victoria

Entered on the record by me in the Register of Patents Book No. 46 Page No. 75
on the 15th day of December 2015.

Handwritten signature of Chris Eccles in black ink.

CHRIS ECCLES
Secretary, Department of Premier and
Cabinet

Western Australia

Commission

appointing a Royal Commission
to inquire into and report on
institutional responses to child sexual abuse

Western Australia

*By His Excellency
Malcolm James McCusker,
Companion of the Order of Australia,
Commander of the Royal Victorian Order,
Queen's Counsel,
Governor of the State of Western Australia*



Governor



To: **The Honourable Justice Peter David McClellan AM**
Mr Robert Atkinson
The Honourable Justice Jennifer Ann Coate
Mr Robert William Fitzgerald AM
Dr Helen Mary Milroy
Mr Andrew James Marshall Murray

RECITALS

1. All children deserve a safe and happy childhood.
2. Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.
3. All forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.
4. Child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.
5. Public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.
6. It is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and

to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

7. It is important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.
8. Noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.
9. All Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

OPERATIVE PART

By this commission issued under the Public Seal of the State, I, the Governor, acting under the *Royal Commissions Act 1968 (WA)* and all other enabling powers and with the advice and consent of the Executive Council—

- (a) appoint you to be a Royal Commission to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters—
 - (i) what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
 - (ii) what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
 - (iii) what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
 - (iv) what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services;
- and
- (b) direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms; and
- (c) without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters—
 - (i) the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;

- (ii) the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
 - (iii) the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
 - (iv) changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts;
- and
- (d) declare that you are not required to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding; and
 - (e) without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration—
 - (i) the need to establish mechanisms to facilitate, subject to any applicable law, the timely communication of information, or the timely furnishing of evidence, documents or things, for example, for the purpose of enabling the timely investigation and prosecution of offences;
 - (ii) the need to establish investigation units to support your inquiry;
 - (iii) the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
 - (iv) the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
 - (v) the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material;
- and
- (f) appoint you, the Honourable Justice Peter David McClellan AM, to be Chairman of the Commission; and
 - (g) declare that the *Royal Commissions Act 1968 (WA)* section 18 applies to the Royal Commission; and
 - (h) declare that you are authorised to conduct your inquiry into any matter under this commission in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any

commission, letters patent, order or appointment issued or made by the Commonwealth, another State or a Territory; and

- (i) declare that in this commission—

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989;

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government;

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and—

- (i) includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- (ii) does not include the family;

institutional context: sexual abuse happens in an *institutional context* if, for example—

- (i) it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- (ii) it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- (iii) it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children;

law means a law of the Commonwealth or of a State or Territory;

official, of an institution, includes—

- (i) any representative (however described) of the institution or a related entity; and
- (ii) any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- (iii) any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- (iv) any other person who you consider is, or should be treated as if the person were, an official of the institution;

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse;

and

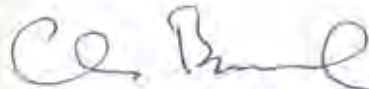
- (j) require you to begin your inquiry as soon as practicable; and
 - (k) require you to make your inquiry as expeditiously as possible; and
 - (l) require you to submit to me—
 - (i) first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as the Premier may, by notice in the *Government Gazette*, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and
 - (ii) then and as soon as possible, and in any event not later than the date the Premier may, by notice in the *Government Gazette*, fix on your recommendation, your final report of the results of your inquiry and your recommendations;
- and
- (m) authorise you to submit to me any additional interim reports that you consider appropriate.

ISSUED under my hand and the Public Seal of the State

at Perth on **22 January** 2013.

By command of the Governor,

Premier.



Commission

amending the commission issued on 22 January 2013

To: **The Honourable Justice Peter David McClellan AM**
Mr Robert Atkinson
The Honourable Justice Jennifer Ann Coate
Mr Robert William Fitzgerald AM
Dr Helen Mary Milroy
Mr Andrew James Marshall Murray


By this commission under the Public Seal of the State, I, the Governor, acting under the *Royal Commissions Act 1968* (WA) and all other enabling powers and with the advice and consent of the Executive Council, amend the commission issued on 22 January 2013 as follows —

in paragraph (1)(i) delete “31 December 2015,” and insert:

15 December 2017,

Issued under the Public Seal of the State
at Perth on **26 May** 2015.


Governor


Premier



Executive Council

Western Australia

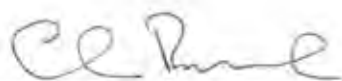
Department File No.

Minute No. 0222

The Council respectfully advises the Governor

under the *Royal Commissions Act 1968* and all other enabling powers, to issue the attached commission to amend the commission issued on 22 January 2013 to the following —

The Honourable Justice Peter David McClellan AM
Mr Robert Atkinson
The Honourable Justice Jennifer Ann Coate
Mr Robert William Fitzgerald AM
Dr Helen Mary Milroy
Mr Andrew James Marshall Murny.



Premier



Premier

Date of Meeting. 26 MAY 2015



Governor

PCO4730378

Appendix B Our finances

The table below provides the expenditure breakdown from financial year 2012–13 when the Royal Commission was established to financial year 2017–18 when it concluded.

Summary of costs for the period January 2013 to June 2018 ^a	
Expense	Total cost (m)
Commissioners	\$13.938
Counsel Assisting	\$5.078
External legal fees ^b	\$19.210
Staff costs (including labour hire)	\$139.683
Research and policy program ^c	\$7.981
Financial assistance to witnesses, private sessions participants and support persons (non-legal cost) ^d	\$2.593
Call centre and counselling services ^e	\$19.490
Information and communication costs including electronic courts and private sessions services	\$39.046
Travel and accommodation	\$10.077
Venue hire ^f	\$4.143
Office accommodation	\$32.466
General administration	\$27.907
Capital expenditure ^g	\$20.716
Total expenditure	\$342.328

Notes:

^a The Royal Commission into Institutional Responses to Child Sexual Abuse delivered its Final Report on 15 December 2017. The expenditure reflected in this table includes actual costs incurred from January 2013 to June 2017 as well as an estimate of costs for the final six months of operations to December 2017, and winding down and decommissioning costs to June 2018. This provides an accurate reflection of costs associated with the Commission.

^b Includes Junior Counsel, Out-post officers from Australian Government Solicitor and other corporate legal expenses, including disbursements.

^c Includes payments made to external research and policy contractors.

^d Includes travel-related expenditure for private sessions participants and travel and loss of wages entitlements to witnesses appearing before a public hearing. The Attorney-General's Department offered legal financial assistance to witnesses requiring a lawyer to prepare witness statements.

^e Includes counselling services provided to victims/survivors of child sexual abuse as well as support and counselling services to the staff of the Commission.

^f Includes venue hire and associated costs to hold private sessions and public hearings.

^g Costs associated with fitout and ICT Infrastructure of Royal Commission operations in Sydney.

Major contractors to the Office of the Royal Commission

Figures appearing in the table represent the aggregate value of contracts arranged with each supplier. Estimated total amounts are current as at end of July 2017.

Contractor name	Amount	Contract supplies
Property and facilities		
Dexus Property Group	\$24,875,200	<i>Property leases and building services</i>
Dabserv Pty Ltd	\$9,133,455	
Servcorp	\$1,413,419	
WA Industrial Relations	\$384,450	
Shape Australia Pty Ltd	\$8,185,537	<i>Office design, construction and fit-out works</i>
Intrec Management Pty Ltd	\$762,000	
Billard Leece Partnership Pty Ltd	\$459,500	
SPACElift Design Consultancy	\$193,762	
Aurecon Australia Pty Ltd	\$181,411	<i>Building, mechanical and engineering services</i>
Kudos Group Pty Ltd	\$209,960	
Schiavello Systems (NSW) Pty Ltd	\$556,652	<i>Workstations and furniture</i>
Zenith Interiors (ACT) Pty Ltd	\$455,424	
UCI Projects Pty Ltd	\$420,125	
SNP Security	\$822,551	<i>Security services (public hearing sites)</i>
Novotel Brisbane	\$493,416	<i>Venue hires (private sessions)</i>
Radisson Blu Hotel Sydney	\$305,665	
Radisson on Flagstaff Gardens Melbourne	\$869,557	
Mercure Perth	\$240,042	
Adina Apartment Hotel Adelaide	\$107,860	
The Liberty Group Consortium	\$293,917	<i>Courtroom venue hire (interstate hearings)</i>
Queensland Department of Justice and Attorney-General	\$118,922	
M-Power Accommodation Pty Ltd	\$278,995	<i>Accommodation</i>

Contractor name	Amount	Contract supplies	
Information technology and communications			
iCourts Pty Ltd	\$23,190,334	<i>Technology, communications and hearings support</i>	
Akamai Technologies	\$920,303	<i>Webcast services (hearings)</i>	
Redfish Technologies Pty Ltd	\$1,124,296	<i>Audio-visual equipment and services</i>	
IPP Consulting Pty Ltd	\$130,570		
Infront Systems Pty Ltd	\$4,591,638		
Ricoh Australia Pty Ltd	\$3,698,956		
Saltbush Consulting Pty Ltd	\$909,237		
Data#3 Ltd	\$853,331		
AcronymIT Pty Ltd	\$769,521		
Ethan Group Pty Ltd	\$480,815		<i>ICT software, equipment and services</i>
Quinto Communications Pty Ltd	\$471,447		
Hewlett Packard Australia Pty Ltd	\$420,168		
Shearwater Solutions Pty Ltd	\$317,039		
Information Pty Ltd	\$298,826		
The Frame Group Pty Ltd	\$230,092		
Telstra Corporation Ltd	\$2,185,522	<i>Mobile communications services and devices</i>	
Macquarie Telecom Pty Ltd	\$2,242,997	<i>Internet communications services and infrastructure</i>	
FTI Consulting Technology	\$851,992	<i>ICT software licensing and support</i>	
Get Started Pty Ltd	\$335,000	<i>Website and Intranet services</i>	
Ogilvy & Mather (Sydney) Pty Ltd	\$293,414		

Contractor name	Amount	Contract supplies
Legal and business services		
Australian Government Solicitor	\$8,386,010	<i>Legal services (Solicitor Assisting)</i>
Piper Alderman	\$1,000,342	<i>Legal services (case studies and commercial)</i>
King & Wood Mallesons	\$706,746	<i>Legal services (case studies and hearings)</i>
DLA Piper Australia	\$558,126	
Clayton Utz	\$483,962	<i>Legal services (commercial)</i>
Sparke Helmore Solicitors	\$332,247	
Law in Order Pty Ltd	\$7,071,307	<i>Hearings support and legal document management</i>
Deloitte Touche Tohmatsu	\$945,549	<i>Business services and legal document management</i>
Finity Consulting Pty Ltd	\$261,740	<i>Financial and actuarial services</i>
Grosvenor Management Consulting	\$149,586	
KPMG Chartered Accountants	\$211,245	<i>Information and records management services</i>
Decipha Pty Ltd	\$156,270	<i>Mail screening security services</i>
Star Track Express Pty Ltd	\$137,885	<i>Transport and logistics (interstate hearings)</i>
Five Phase Group Pty Ltd	\$118,974	<i>Security management services</i>

Contractor name	Amount	Contract supplies
Personnel and recruitment services		
Gillian Beaumont Recruitment Pty Ltd	\$26,906,948	<i>Workforce recruitment and labour hire staff</i>
Talent International Pty Ltd	\$1,088,014	
Robert Walters Pty Ltd	\$1,060,047	
HorizonOne Recruitment Pty Ltd	\$388,785	
Ally Group Pty Ltd	\$371,156	
Hudson Global Resources (Aust.) Pty Ltd	\$222,584	
Kathleen Townsend Pty Ltd	\$169,621	
Clicks Recruit (Aust.) Pty Ltd	\$126,917	<i>Coaching and leadership development services</i>
Kirribilli Partners Pty Ltd	\$331,687	
Whon Pty Ltd	\$202,940	
The Channel Group Pty Ltd	\$157,568	
Executive Central Group Pty Ltd	\$138,600	
Ethos CRS Consulting Pty Ltd	\$131,832	
Community engagement, counselling and report production services		
Medibank Health Solutions Telehealth Pty Ltd	\$20,444,000	<i>Call centre management and counselling services</i>
Department of Human Services	\$1,155,000	
Dentsu Mitchell Media Australia Pty Ltd	\$2,147,923	<i>Advertising services</i>
Universal McCann	\$1,455,629	
BMF Advertising Pty Ltd	\$565,093	<i>Advertising services and website design</i>
Rothfield Print and Image Management	\$2,254,100	<i>Print management, warehousing and distribution</i>
Cheetah Design & Print Pty Ltd	\$589,667	<i>Printing services (published reports)</i>
Plain English Foundation Pty Ltd	\$296,112	<i>Authoring and editing services (published reports)</i>
Editor Group Pty Ltd	\$270,613	
Apricot Zebra Pty Ltd	\$255,917	
Rowena Austin	\$230,000	
Nazli Munir	\$134,530	
Fluid Group Pty Ltd	\$188,558	<i>Graphic design services (published reports)</i>
Brave TV Pty Ltd	\$148,533	<i>Video and audio productions</i>

Contractor name	Amount	Contract supplies
Research programs		
University of South Australia (Professorial Fellow services)	\$725,000	
Parenting Research Centre Inc.	\$691,787	
University of New South Wales	\$624,101	
Charles Sturt University	\$614,612	
Australian Catholic University	\$540,633	
Australian Institute of Family Studies	\$509,807	
Deakin University	\$495,763	
University of South Australia	\$461,522	
Sphere Company Pty Ltd	\$412,335	
Queensland University of Technology	\$378,275	
The University of Sydney	\$357,297	
Griffith University	\$214,363	
Parkinson Consultancy Pty Ltd	\$200,888	
Curtin University of Technology	\$120,468	
Karen Gelb Consulting	\$119,250	
Jan McClelland and Associates Pty Ltd	\$113,300	
CFW Spice Pty Ltd	\$108,925	
Donald Palmer	\$102,567	<i>Research and policy services</i>
Inca Consulting Pty Ltd	\$100,142	
Record Keeping Innovation Pty Ltd	\$99,884	
Royal Melbourne Institute of Technology	\$97,463	
University of Melbourne	\$93,736	
Judicial Commission of NSW	\$85,800	
Southern Cross University	\$60,000	
Arie Freiberg	\$60,000	
Keith L Kaufman	\$59,237	
Social Care Institute for Excellence	\$59,011	
Urbis Pty Ltd	\$58,836	
Adelaide Research & Innovation Pty Ltd	\$55,467	
Telethon Kids Institute	\$55,439	
Access Macquarie Ltd	\$52,194	
La Trobe University	\$48,462	
Monash University	\$40,000	
David Hamer	\$37,800	
University of Tasmania	\$30,000	

Appendix C Case studies examined at public hearing

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 1: The response of institutions to the conduct of Steven Larkins</i>	<i>Scouts and Hunter Aboriginal Children's Service</i>	16–19 September 2013	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	G Furness SC S Beckett	24 April 2014
<i>Case Study 2: YMCA NSW's response to the conduct of Jonathan Lord</i>	<i>YMCA NSW</i>	21 October – 1 November 2013 20 December 2013 – 31 January 2014	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Professor Helen Milroy	G Furness SC C Spruce	30 June 2014
<i>Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home</i>	<i>North Coast Children's Home</i>	18–27 November 2013	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Robert Fitzgerald AM	G Furness SC S Beckett	27 October 2014

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
Case Study 4: <i>The experiences of four survivors with the Towards Healing process</i>	<i>The Towards Healing process</i>	9–19 December 2013 22–24 January 2014	Sydney	The Hon. Justice Peter McClellan AM Professor Helen Milroy Mr Andrew Murray	G Furness SC A Stewart	11 February 2015
Case Study 5: <i>Response of The Salvation Army to child sexual abuse at its boys' homes in New South Wales and Queensland</i>	<i>The Salvation Army boys' homes, Australia Eastern Territory</i>	28 January – 7 February 2014 10 February 2014	Sydney	The Hon. Justice Peter McClellan AM Professor Helen Milroy Mr Robert Fitzgerald AM	S Beckett	17 March 2015
Case Study 6: <i>The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes</i>	<i>Toowoomba Catholic school and Catholic Education Office</i>	17–24 February 2014	Brisbane	The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Andrew Murray	G Furness SC A Naylor	11 February 2015
Case Study 7: <i>Child sexual abuse at the Parramatta Training School for Girls and the Institution for Girls in Hay</i>	<i>Parramatta Training School for Girls</i>	26 February – 3 March 2014	Sydney	The Hon. Justice Peter McClellan AM	C Spruce	10 November 2014
Case Study 8: <i>Mr John Ellis's experience of the Towards Healing process and civil litigation</i>	<i>Mr John Ellis, Towards Healing and civil litigation</i>	10–27 March 2014	Sydney	The Hon. Justice Peter McClellan AM Professor Helen Milroy Mr Andrew Murray	G Furness SC A Stewart	11 February 2015

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 9: The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann's Special School</i>	<i>St Ann's Special School</i>	17–24 March 2014	Adelaide	The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM	S David	4 June 2015
<i>Case Study 10: The Salvation Army's handling of claims of child sexual abuse 1989 to 2014</i>	<i>The Salvation Army claims handling, Australia Eastern Territory</i>	27 March – 8 April 2014 14–15 April 2014 23 June 2014	Sydney	The Hon. Justice Peter McClellan AM Mr Robert Fitzgerald AM Professor Helen Milroy	S Beckett	3 August 2015
<i>Case Study 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School</i>	<i>Christian Brothers</i>	28 April – 7 May 2014	Perth	The Hon. Justice Peter McClellan AM Mr Bob Atkinson AO APM Professor Helen Milroy	G Furness SC	19 December 2014

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009</i>	<i>Perth independent school</i>	19–23 May 2014 20 June 2014	Perth Sydney	The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Andrew Murray	S David	4 August 2015
<i>Case Study 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton</i>	<i>Marist Brothers</i>	10–19 June 2014 30 June – 1 July 2014 7 August 2014	Canberra Sydney	The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Andrew Murray	S Beckett	11 December 2015
<i>Case Study 14: The response of the Catholic Diocese of Wollongong to allegations of child sexual abuse, and related criminal proceedings, against John Gerard Nestor, a priest of the Diocese</i>	<i>Catholic Diocese of Wollongong</i>	24–27 June 2014	Sydney	The Hon. Justice Peter McClellan AM Professor Helen Milroy Mr Andrew Murray	A Stewart	19 December 2014

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 15: Response of swimming institutions, the Queensland and NSW Offices of the DPP and the Queensland Commission for Children and Young People and Child Guardian to allegations of child sexual abuse by swimming coaches</i>	<i>Swimming Australia and the DPP</i>	7–16 July 2014	Sydney	The Hon. Justice Peter McClellan AM Mr Robert Fitzgerald AM Professor Helen Milroy	G Furness SC C Spruce	14 December 2015
<i>Case Study 16: The Melbourne Response</i>	<i>Melbourne Response</i>	18–26 August 2014	Melbourne	The Hon. Justice Peter McClellan AM Professor Helen Milroy Mr Andrew Murray	G Furness SC A Stewart SC	14 September 2015
<i>Case Study 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home</i>	<i>Retta Dixon Home</i>	22 September – 1 October 2014 17 November 2014	Darwin Sydney	The Hon. Justice Peter McClellan AM Mr Robert Fitzgerald AM Professor Helen Milroy	S David SC	19 August 2015

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse</i>	<i>Australian Christian Churches</i>	7–17 October 2014	Sydney	The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM	S Beckett	23 November 2015
<i>Case Study 19: The response of the State of New South Wales to child sexual abuse at Bethcar Children's Home in Brewarrina, New South Wales</i>	<i>Bethcar Children's Home</i>	20, 22–30 October 2014 14 November 2014 18 December 2014	Sydney	The Hon. Justice Peter McClellan AM Mr Robert Fitzgerald AM	D Lloyd	15 December 2015
<i>Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school</i>	<i>The Hutchins School</i>	19–25 November 2014 18 December 2014	Hobart Sydney	The Hon. Justice Jennifer Coate Mr Andrew Murray	A Stewart SC	17 December 2015
<i>Case Study 21: The response of the Satyananda Yoga Ashram at Mangrove Mountain to allegations of child sexual abuse by the ashram's former spiritual leader in the 1970s and 1980s</i>	<i>Satyananda Yoga Ashram</i>	2–10 December 2014 29 April 2015	Sydney	The Hon. Justice Jennifer Coate Professor Helen Milroy	P Dwyer H Bennett	14 September 2016

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 22: The response of Yeshiva Bondi and Yeshiva Melbourne to allegations of child sexual abuse made against people associated with those institutions</i>	<i>Yeshiva Bondi and Yeshiva Melbourne</i>	2–13 February 2015 17 September 2015	Melbourne Sydney	The Hon. Justice Jennifer Coate Mr Robert Fitzgerald AM Mr Andrew Murray	M Gerace	29 November 2016
<i>Case Study 23: The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wairoonga, New South Wales</i>	<i>Knox Grammar School</i>	23 February – 6 March 2015 10 April 2015 28 April 2015 10 August 2015 23 March 2016	Sydney	The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM	D Lloyd	13 September 2016
<i>Case Study 24: Preventing and responding to allegations of child sexual abuse occurring in out-of-home care</i>	<i>Out-of-home care</i>	10–18 March 2015 29 June – 3 July 2015	Sydney	The Hon. Justice Jennifer Coate Mr Robert Fitzgerald AM Professor Helen Milroy	G Furness SC J Lucy	Report not required

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 25: Redress and civil litigation</i>	<i>Redress and civil litigation</i>	25–27 March 2015	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	G Furness SC	Report not required
<i>Case Study 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol</i>	<i>St Joseph's Orphanage, Neerkol</i>	14–22 April 2015	Rockhampton	The Hon. Justice Jennifer Coate Professor Helen Milroy Mr Andrew Murray	S David SC	21 April 2016
<i>Case Study 27: The response of health care service providers and regulators in New South Wales and Victoria to allegations of child sexual abuse</i>	<i>Health care providers and regulators, New South Wales and Victoria</i>	6–15 May 2015	Sydney	The Hon. Justice Peter McClellan AM Professor Helen Milroy	H Bennett	20 April 2016

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
Case Study 28: Catholic Church authorities in Ballarat	Catholic Church authorities in Ballarat	19–29 May 2015 7–16 December 2015 5–8 February 2016 22 February – 3 March 2016 13 April 2016	Ballarat Melbourne Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Andrew Murray	G Furness SC A Stewart SC S Free	Yet to be tabled ¹
Case Study 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse	Jehovah's Witnesses	27 July – 5 August 2015 14 August 2015	Sydney	The Hon. Justice Peter McClellan AM Professor Helen Milroy	A Stewart SC	28 November 2016
Case Study 30: The response of Turana, Winlaton and Baltara, and the Victoria Police and the Department of Health and Human Services Victoria to allegations of child sexual abuse	Youth detention centres, Victoria	17–28 August 2015	Melbourne	The Hon. Justice Jennifer Coate Mr Robert Fitzgerald AM Mr Andrew Murray	P Dwyer	14 September 2016

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 31: The evidence of retired Bishop Geoffrey Robinson regarding the history and development of the Catholic Church's response to child sexual abuse prior to the introduction of Towards Healing</i>	<i>Retired Catholic Bishop Geoffrey Robinson</i>	24 August 2015	Sydney	The Hon. Justice Peter McClellan AM	G Furness SC	Report not required
<i>Case Study 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students</i>	<i>Geelong Grammar School</i>	1–11 September 2015 22–23 October 2015	Melbourne Sydney	The Hon. Justice Jennifer Coate Professor Helen Milroy	D Lloyd	14 February 2017
<i>Case Study 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated</i>	<i>The Salvation Army children's homes, Australia Southern Territory</i>	6–14 October 2015	Adelaide	The Hon. Justice Jennifer Coate Mr Robert Fitzgerald AM Professor Helen Milroy	S David SC	12 September 2016

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse</i>	<i>Brisbane Grammar School and St Paul's School</i>	3–13 November 2015 20 November 2015 30 November 2015	Brisbane Sydney Melbourne	The Hon. Justice Jennifer Coate Mr Andrew Murray	D Lloyd	15 February 2017 Supplementary report to the response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse – yet to be tabled
<i>Case Study 35: Catholic Archdiocese of Melbourne</i>	<i>Catholic Archdiocese of Melbourne</i>	24 November – 4 December 2015 5–8 February 2016 29 February – 3 March 2016 13 April 2016 27 April 2016	Melbourne Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Andrew Murray	G Furness SC S Free	Yet to be tabled ²

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
Case Study 36: <i>The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse</i>	<i>Church of England Boys' Society</i>	27 January – 5 February 2016	Hobart	The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM	N Sharp	13 June 2017
Case Study 37: <i>The response of the Australian Institute of Music and RG Dance to allegations of child sexual abuse</i>	<i>Centres for performing arts</i>	2–11 March 2016	Sydney	The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Professor Helen Milroy	D Lloyd	16 February 2017
Case Study 38: <i>Criminal justice issues relating to child sexual abuse in an institutional context</i>	<i>Case Study 38 in relation to criminal justice issues</i>	15–24 March 2016	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM	J Kirk SC D Barrow	Report not required
Case Study 39: <i>The response of certain football (soccer), cricket and tennis organisations to allegations of child sexual abuse</i>	<i>Sporting clubs and institutions</i>	4–13 April 2016	Sydney	The Hon. Justice Peter McClellan AM Professor Helen Milroy Mr Andrew Murray	G Furness SC N Sharp	30 November 2016

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 40: The response of the Australian Defence Force to allegations of child sexual abuse</i>	<i>Australian Defence Force</i>	21–30 June and 26 August 2016	Sydney	The Hon. Justice Peter McClellan AM Mr Robert Fitzgerald AM Professor Helen Milroy	A Stewart SC	22 August 2017
<i>Case Study 41: Institutional responses to allegations of the sexual abuse of children with disability</i>	<i>Disability service providers</i>	11–22 July 2016	Sydney	The Hon. Justice Jennifer Coate Mr Robert Fitzgerald AM	G Furness SC	16 June 2017
<i>Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse</i>	<i>Anglican Diocese of Newcastle</i>	2–12 August 2016 29–30 August 2016 16–18 November 2016 23–24 November 2016	Newcastle Sydney	The Hon. Justice Peter McClellan AM Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM	N Sharp	Yet to be tabled ³
<i>Case Study 43: The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious</i>	<i>Catholic Church authorities in Maitland-Newcastle</i>	31 August – 8 September 2016 9 December 2016	Newcastle	The Hon. Justice Peter McClellan AM Mr Bob Atkinson AO APM Mr Andrew Murray	S Free	Yet to be tabled ⁴

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 44: The response of the Catholic Dioceses of Armidale and Parramatta to allegations of child sexual abuse against a priest</i>	<i>Catholic Church authorities in Armidale and Parramatta</i>	12–15 September 2016 19–22 September 2016	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate	G Furness SC	Yet to be tabled ⁵
<i>Case Study 45: Problematic and harmful sexual behaviours of children in schools</i>	<i>Harmful sexual behaviours of children in schools</i>	20–25 October 2016 27 October 2016 31 October 2016 2–4 November 2016	Sydney	The Hon. Justice Peter McClellan AM Mr Robert Fitzgerald AM Professor Helen Milroy	D Lloyd	Yet to be tabled
<i>Case Study 46: Criminal justice</i>	<i>Case Study 46 on the criminal justice consultation paper</i>	28 November – 2 December 2016	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	J Kirk SC D Barrow	Report not required

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 47: Institutional review of YMCA NSW</i>	<i>Institutional review of YMCA NSW</i>	5 December 2016	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	G Furness SC	Report not required
<i>Case Study 48: Institutional review of Scouts and Hunter Aboriginal Children's Service</i>	<i>Institutional review of Scouts and Hunter Aboriginal Children's Service</i>	6 December 2016	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	G Furness SC	Report not required

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 49: Institutional review of The Salvation Army, Australia Eastern Territory and Australia Southern Territory</i>	<i>Institutional review of The Salvation Army</i>	7 December 2016	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	G Furness SC	Report not required
<i>Case Study 50: Institutional review of Catholic Church authorities</i>	<i>Institutional review of Catholic Church authorities</i>	6–16 February 2017 20–24 February 2017	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	G Furness SC S Free	Report not required

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 51: Institutional review of Commonwealth, state and territory governments</i>	<i>Institutional review of Commonwealth, state and territory governments</i>	6–8 March 2017	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	G Furness SC N Sharp	Report not required
<i>Case Study 52: Institutional review of Anglican Church institutions</i>	<i>Institutional review of Anglican Church institutions</i>	17–22 March 2017	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	G Furness SC N Sharp M Ellicott	Report not required

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 53: Institutional review of Yeshiva Melbourne and Yeshiva Bondi</i>	<i>Institutional review of Yeshiva/h</i>	23 March 2017	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	N Sharp	Report not required
<i>Case Study 54: Institutional review of Church of the Jehovah's Witnesses and its corporation, the Watchtower Bible and Tract Society of Australia</i>	<i>Institutional review of the Jehovah's Witnesses</i>	10 March 2017	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	A Stewart SC	Report not required

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 55: Institutional review of Australian Christian Churches and affiliated Pentecostal churches</i>	<i>Institutional review of Australian Christian Churches</i>	17 March 2017	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	N Sharp	Report not required
<i>Case Study 56: Institutional review of Uniting Church in Australia</i>	<i>Institutional review of Uniting Church in Australia</i>	10 March 2017	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	A Stewart SC	Report not required

Full title used in the first instance	Shortened case study title used in subsequent instances	Date/s of public hearing	Location	Presiding Commissioners	Counsel Assisting	Case study report tabling date (as of 31 August 2017)
<i>Case Study 57: Nature, cause and impact of child sexual abuse in institutional contexts</i>	<i>Nature, cause and impact of child sexual abuse</i>	27–31 March 2017	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray	G Furness SC D Lloyd	Report not required

Appendix D Policy consultations

Issues papers, roundtables and consultation papers were used by the Royal Commission to consult with government and non-government representatives, survivors, institutions, regulators, policy and other experts, academics, and survivor advocacy and support groups.

The broader community were able to contribute to our consideration of systemic issues and our responses through our public consultation processes.

Issues papers

Issues paper	Date closed	Number of submissions received	Number of submissions published
Issues paper 1: Working With Children Check	12 August 2013	80	79
Issues paper 2: Towards Healing	4 September 2013	57	23
Issues paper 3: Child safe institutions	11 October 2013	56	53
Issues paper 4: Preventing sexual abuse of children in out-of-home care	8 November 2013	63	62
Issues paper 5: Civil litigation	17 March 2014	47	41
Issues paper 6: Redress schemes	2 June 2014	108	86
Issues paper 7: Statutory victims of crime compensation schemes	30 June 2014	49	44
Issues paper 8: Experiences of police and prosecution responses	31 July 2015	95	24
Issues paper 9: Addressing the risk of child sexual abuse in primary and secondary schools	31 August 2015	48	38
Issues paper 10: Advocacy and support and therapeutic treatment services	30 November 2015	180	120
Issues paper 11: Catholic Church final hearing	1 July 2016	86	50

Consultation papers

Consultation paper	Date closed	Number of submissions received	Number of submissions published
Redress and civil litigation	2 March 2015	275	192
Best practice principles in responding to complaints of child sexual abuse in institutional contexts	26 April 2016	38	35
Institutional responses to child sexual abuse in out-of-home care	11 April 2016	67	57
Records and recordkeeping practices	3 October 2016	46	45
Criminal justice	17 October 2016	93	81

Public roundtables

Roundtable	Date held	Location	Convened by
Out-of-home care	April 2014	Sydney	The Hon. Justice Jennifer Coate Mr Robert Fitzgerald AM
Working With Children Checks	June 2014	Canberra	The Hon. Justice Peter McClellan AM Mr Robert Fitzgerald AM
Criminal justice – reporting offences	April 2016	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM
Criminal justice – Adult sex offender treatment programs	April 2016	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM
Criminal justice – DPP complaints and oversight mechanisms	April 2016	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM

Roundtable	Date held	Location	Convened by
Criminal justice – Multi-disciplinary and specialist police responses	June 2016	Sydney	The Hon. Justice Peter McClellan AM The Hon. Justice Jennifer Coate Mr Bob Atkinson AO APM
Criminal justice – Memory of childhood sexual abuse and the law	March 2017	Sydney	Leigh Sanderson, Special Counsel

Appendix E Publications

Interim and further reports

As set out in the Terms of Reference, any report published prior to the final report was considered an interim report.

We published the following reports during our inquiry:

Report name	Description	Release date
Interim report	<p>Volume 1 outlines why we are here, what we have done, what we are learning and what we need to do next.</p> <p>Volume 2 includes the personal stories of 150 people who shared their experience of abuse by coming to a private session or providing a written account. They have been chosen as a representative group and all names and other identifying features have been changed. This volume also includes a selection of de-identified poetry given to us by survivors.</p>	30 June 2014
Working With Children Checks report	<p>This report contains the Royal Commission's final recommendations on Working With Children Checks.</p> <p>This report addresses paragraph (a) of the Letters Patent.</p>	17 August 2015
Redress and civil litigation report	<p>This report contains the Royal Commission's final recommendations on redress and civil litigation.</p> <p>This report addresses paragraph (d) of the Letters Patent.</p>	14 September 2015
Criminal justice report	<p>This report contains the Royal Commission's final recommendations on the response of the criminal justice system to victims of institutional child sexual abuse.</p> <p>This report addresses paragraph (d) of the Letters Patent.</p>	14 August 2017

Research reports

Our research program included:

- descriptive research to provide necessary background information
- primary research undertaken to fill crucial evidence gaps
- research that summarised existing findings about child sexual abuse in institutional contexts, as well as practices that successfully prevent or respond to it.

The eight themes of our research program are set out at Appendix F. We published the following research reports during our inquiry:

1. Causes

Report name	Author/s	Publication date
Child exploitation material in the context of institutional child sexual abuse	Dr Jeremy Prichard and Dr Caroline Spiranovic, Law School, University of Tasmania	September 2014
Taking us seriously: Children and young people talk about safety and institutional responses to their safety concerns	Dr Tim Moore, Professor Morag McArthur and Debbie Noble-Carr, Institute of Child Protection Studies, Australian Catholic University Professor Deborah Harcourt, Australian Catholic University	August 2015
Feeling safe, being safe: What is important to children and young people with disability and high support needs about safety in institutional settings?	Dr Sally Robinson, Centre for Children and Young People, Southern Cross University	February 2016
Our safety counts: Children and young people’s perceptions of safety and institutional responses to their safety concerns	Dr Tim Moore and Professor Morag McArthur, Institute of Child Protection Studies, Australian Catholic University Dr Jessica Heerde, Australian Catholic University Steven Roche, Institute of Child Protection Studies, Australian Catholic University Professor Patrick O’Leary, Griffith University	September 2016

Report name	Author/s	Publication date
Scoping study for research into the prevalence of child abuse in Australia	<p>Professor Ben Matthews, Australian Centre for Health Law Research, Queensland University of Technology</p> <p>Associate Professor Kerryann Walsh and Professor Michael Dunne, Children and Youth Research Centre, Queensland University of Technology</p> <p>Professor Ilan Katz, Social Policy Research Centre, University of New South Wales</p> <p>Professor Fiona Arney, Australian Centre for Child Protection, University of South Australia</p> <p>Associate Professor Daryl Higgins, Australian Institute of Family Studies</p> <p>Olivia Octoman and Samantha Parkinson, Australian Centre for Child Protection, University of South Australia</p> <p>Shona Bates, Social Policy Research Centre, University of New South Wales</p>	September 2016
Evidence and frameworks for understanding perpetrators of institutional child sexual abuse	Dr Michael Proeve, Catia Malvaso and Dr Paul DelFabbro, University of Adelaide	September 2016
Risk profiles for institutional child sexual abuse: A literature review	<p>Professor Keith Kaufman, Department of Psychology, Portland State University, United States</p> <p>Marcus Erooga, Centre for Applied Childhood, Youth and Family Research, University of Huddersfield, United Kingdom</p>	October 2016
Disability and child sexual abuse in institutional contexts	Professor Gwynnyth Llewellyn, Dr Sarah Wayland and Gabrielle Hindmarsh, Centre for Disability Research and Policy, University of Sydney	November 2016
The role of organisational culture in child sexual abuse in institutional contexts	Professor Donald Palmer, Graduate School of Management, University of California	December 2016

Report name	Author/s	Publication date
Safe and sound: Exploring the safety of young people in residential care	<p>Dr Tim Moore and Professor Morag McArthur, Institute of Child Protection Studies, Australian Catholic University</p> <p>Dr Jodi Death, Queensland University of Technology</p> <p>Steven Roche, Institute of Child Protection Studies, Australian Catholic University</p> <p>Professor Clare Tilbury, Griffith University</p>	December 2016
Assessing the different dimensions and degrees of risk of child sexual abuse in institutions	<p>Professor Patrick Parkinson AM</p> <p>Professor Judy Cashmore AO</p>	June 2017
Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts	<p>Patricia Anderson AO, Lowitja Institute and Referendum Council</p> <p>Adjunct Professor Muriel Bamblett AM, Victorian Aboriginal Child Care Agency</p> <p>Professor Dawn Bessarab, Telethon Kids Institute</p> <p>Professor Leah Bromfield, Professorial Fellow, Royal Commission into Institutional Responses to Child Sexual Abuse</p> <p>Dr Sharni Chan, Royal Commission into Institutional Responses to Child Sexual Abuse</p> <p>Gabriel Maddock, Telethon Kids Institute</p> <p>Karen Menzies, Wollotuka Institute, University of Newcastle</p> <p>Margaret O'Connell, Curtin University</p> <p>Glenn Pearson, Dr Roz Walker and Dr Michael Wright, Telethon Kids Institute</p>	July 2017

Report name	Author/s	Publication date
Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data	Professor Leah Bromfield, Craig Hirte and Olivia Octoman, Australian Centre for Child Protection, University of South Australia Professor Ilan Katz, Social Policy Research Centre, University of New South Wales	August 2017
Child sexual abuse in institutional contexts: The reliability of police data, nature of allegations reported to police, and factors driving reporting rates	Samantha Parkinson, Dr Kerry Lewig, Catia Malvaso and Professor Fiona Arney, Australian Centre for Child Protection, University of South Australia Professor Ilan Katz and Dr BJ Newton, Social Policy Research Centre, University of New South Wales	August 2017
Life journeys of victim/survivors of child sexual abuse in institutions: An analysis of Royal Commission private sessions	Professor Ilan Katz, Anna Jones and Dr BJ Newton, Social Policy Research Centre, University of New South Wales Dr Elizabeth Reimer, Southern Cross University	December 2017
Framework for historical influences on institutional child sexual abuse: 1950–2014	Dr Antonia Quadara, Australian Institute of Family Studies	December 2017

2. Prevention

Report name	Author/s	Publication date
Scoping review: Evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse	Dr Sandra South, Parenting Research Centre Professor Aron Shlonsky, School of Health Sciences, University of Melbourne Dr Robyn Mildon, Parenting Research Centre	February 2015
Child sexual abuse prevention programs for pre-schoolers: A synthesis of current evidence	Dr Claudia Pitts, Royal Commission into Institutional Responses to Child Sexual Abuse	March 2015
Scoping review: Evaluations of out-of-home care practice elements that aim to prevent child sexual abuse	Dr Sandra South, Parenting Research Centre Professor Aron Shlonsky, School of Health Sciences, University of Melbourne Dr Robyn Mildon, Parenting Research Centre	Revised report– November 2015
Key elements of child safe organisations: Research study	Associate Professor kylie valentine, Professor Ilan Katz and Dr Ciara Smyth, Social Policy Research Centre, University of New South Wales Cathy Bent, Sophia Rinaldis, Catherine Wade and Bianca Albers, Parenting Research Centre	June 2016
Grooming and child sexual abuse in institutional contexts	Professor Patrick O’Leary, Griffith University Emma Koh and Andrew Dare, Royal Commission into Institutional Responses to Child Sexual Abuse	February 2017
Help-seeking needs and gaps for preventing child sexual abuse	Vicky Saunders and Professor Morag McArthur, Institute of Child Protection Studies, Australian Catholic University	March 2017

Report name	Author/s	Publication date
Rapid evidence assessment: Current best evidence in the therapeutic treatment of children with problem or harmful sexual behaviours, and children who have sexually offended	Professor Aron Shlonsky and Bianca Albers, School of Health Sciences, University of Melbourne Dale Tolliday, New Street Services, Sydney Children's Hospitals Network Dr Sandra Jo Wilson, Jennifer Norvell and Lauren Kissinger, Peabody Research Institute, Vanderbilt University, United States	May 2017
Audit of primary school-based sexual abuse prevention policy and curriculum: Volumes 1 to 5	Associate Professor Kerryann Walsh and Leisa Brandon, Faculty of Education, Queensland University of Technology Dr Lisa Kruck, Faculty of Law, Queensland University of Technology	December 2017

3. Identification

Report name	Author/s	Publication date
Mandatory reporting laws for child sexual abuse in Australia: A legislative history	Associate Professor Ben Mathews, Australian Centre for Health Law Research, Queensland University of Technology	August 2014
Hear no evil, see no evil: Understanding failure to identify and report child sexual abuse in institutional context	Professor Eileen Munro CBE, London School of Economics and Political Science, University of London, United Kingdom Dr Sheila Fish, Social Care Institute for Excellence, United Kingdom	September 2015

4. Institutional responses

Report name	Author/s	Publication date
History of Australian inquiries reviewing institutions providing care for children	Professor Shurlee Swain, Australian Catholic University	October 2014
History of institutions providing out-of-home residential care for children	Professor Shurlee Swain, Australian Catholic University	October 2014
History of child protection legislation	Professor Shurlee Swain, Australian Catholic University	October 2014
Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia	Royal Commission into Institutional Responses to Child Sexual Abuse	February 2017 Revised version published June 2017
A national comparison of carer screening, assessment, selection and training and support in foster, kinship and residential care	Murray Benton, Rohan Pigott, Megan Price, Patrick Shepherdson and Dr Gail Winkworth, Inca Consulting	March 2017
Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia	Royal Commission into Institutional Responses to Child Sexual Abuse	March 2017 Revised version published April 2017

5. Government responses

Report name	Author/s	Publication date
Historical review of sexual offence and child sexual abuse legislation in Australia: 1788–2013	Hayley Boxall, Dr Adam M Tomison and Shann Hulme, Australian Institute of Criminology	September 2014
Brief review of contemporary sexual offence and child sexual abuse legislation in Australia Brief review of contemporary sexual offence and child sexual abuse legislation in Australia: 2015 update	Hayley Boxall, Australian Institute of Criminology Hayley Boxall and Georgina Fuller, Australian Institute of Criminology	September 2014
Sentencing for child sexual abuse in institutional contexts	Emeritus Professor Arie Freiberg, Faculty of Law, Monash University Hugh Donnelly, Judicial Commission of New South Wales Dr Karen Gelb, Consultant Criminologist	July 2015
The admissibility and use of tendency, coincidence and relationship evidence in child sexual assault prosecutions in a selection of foreign jurisdictions	Associate Professor David Hamer, Sydney Law School, University of Sydney	March 2016
A statistical analysis of sentencing for child sexual abuse in institutional contexts	Dr Karen Gelb, Consultant Criminologist	March 2016
The use and effectiveness of restorative justice in criminal justice systems following child sexual abuse or comparable harms	Dr Jane Bolitho and Karen Freeman, University of New South Wales	March 2016

Report name	Author/s	Publication date
A systematic review of the efficacy of specialist police investigative units in responding to child sexual abuse	Dr Nina Westera, Griffith Criminology Institute, Griffith University Dr Elli Darwinkel, School of Psychology, Deakin University Professor Martine Powell, School of Psychology, and Director of the Centre for Investigative Interviewing, Deakin University	March 2016
Specialist prosecution units and courts: A review of the literature	Professor Patrick Parkinson AM, University of Sydney	March 2016
A study into the legislative – and related key policy and operational – frameworks for sharing information relating to child sexual abuse in institutional contexts	Carolyn Adams and Krista Lee-Jones, Macquarie Law School, Macquarie University	May 2016
Jury reasoning in joint and separate trials of institutional child sexual abuse: An empirical study	Professor Jane Goodman-Delahunty and Natalie Martschuk, Charles Sturt University Professor Annie Cossins, University of New South Wales	May 2016
The impact of delayed reporting on the prosecution and outcomes of child sexual abuse cases	Professor Judy Cashmore AO, Dr Alan Taylor, Associate Professor Rita Shackel and, Professor Patrick Parkinson AM, Sydney Law School, University of Sydney	August 2016

Report name	Author/s	Publication date
An evaluation of how evidence is elicited from complainants of child sexual abuse	<p>Professor Martine Powell, School of Psychology, and Director of the Centre for Investigative Interviewing, Deakin University</p> <p>Dr Nina Westera, Griffith Criminology Institute, Griffith University</p> <p>Professor Jane Goodman-Delahunty, School of Psychology and Australian Graduate School of Policing and Security, Charles Sturt University</p> <p>Anne Sophie Pichler, Centre for Investigative Interviewing, Deakin University</p>	August 2016
Oversight and regulatory mechanisms aimed at protecting children from sexual abuse: Understanding current evidence of efficacy	Professor Ben Mathews, Australian Centre for Health Law Research, Queensland University of Technology	April 2017
Empirical guidance on the effects of child sexual abuse on memory and complainants' evidence	Jane Goodman-Delahunty, Mark Nolan and Evianne L van Gijn-Grosvenor	July 2017
Police responses to child sexual abuse 2010-14: An analysis of administrative data for the Royal Commission into Institutional Responses to Child Sexual Abuse	Associate Professor Anna Ferrante, Dr Joe Clare, Sean Randall, Associate Professor James Boyd, Centre for Population Health Research, Curtin University	August 2017

6. Treatment and support needs

Report name	Author/s	Publication date
Family relationships and the disclosure of institutional child sexual abuse	Dr Antonia Quadara, Mary Stathopoulos and, Dr Rachel Carson, Australian Institute of Family Studies	July 2016
Service and support needs of specific population groups that have experienced child sexual abuse	Associate Professor Jan Breckenridge, Gendered Violence Research Network, University of New South Wales Gabrielle Flax, Gendered Violence Research Network, University of New South Wales	July 2016
Principles of trauma-informed approaches to child sexual abuse: A discussion paper	Dr Antonia Quadara and Cathryn Hunter, Australian Institute of Family Studies	October 2016
Pathways to support services for victim/survivors of child sexual abuse and their families	Dr Antonia Quadara, Mary Stathopoulos, Dr Rachel Carson, Serpil Bilgic, Rae Kaspiew, Helena Romaniuk, Briony Horsfall and Jessie Dunstan, Australian Institute of Family Studies	December 2017
Impacts of institutional child sexual abuse on victims/survivors: A rapid review of research findings	Dr Tamara Blakemore, Dr James Herbert, Professor Fiona Arney and Samantha Parkinson, Australian Centre for Child Protection, University of South Australia	December 2017
Capturing practice knowledge from the Royal Commission support model	Claire Grealy, Joanna Farmer, Karen Milward and Morag McArthur, Urbis	December 2017
Rapid evidence review on the availability, modality and effectiveness of psychosocial support services for child and adult victims and survivors of child sexual abuse	Professor Aron Shlonsky, Bianca Albers and Nicole Paterson, School of Health Sciences, University of Melbourne	December 2017

7. Institutions of interest

No external publications.

8. Ensuring a positive impact

Report name	Author/s	Publication date
Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse	Parenting Research Centre	May 2015
Implementation best practice: A rapid evidence assessment	Bianca Albers and Robyn Mildon, Parenting Research Centre	May 2016

Case study reports

The findings of the Royal Commission were set out in a series of ‘case study reports’. Case study reports were submitted to the Governor-General and the governor of each state, tabled in the Commonwealth Parliament, and most were made publicly available.

A number of policy and ‘review’ hearings were not the subject of a case study report.

The following case study reports were published during our inquiry, as of 31 August 2017.

Title of case study report	Case study report tabling date
<i>Report of Case Study No 1: The response of institutions to the conduct of Steven Larkins</i>	24 April 2014
<i>Report of Case Study No 2: YMCA NSW’s response to the conduct of Jonathan Lord</i>	30 June 2014
<i>Report of Case Study No 3: Anglican Diocese of Grafton’s response to child sexual abuse at the North Coast Children’s Home</i>	27 October 2014
<i>Report of Case Study No 4: The experiences of four survivors with the Towards Healing process</i>	11 February 2015
<i>Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys’ homes in New South Wales and Queensland</i>	17 March 2015
<i>Report of Case Study No 6: The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes</i>	11 February 2015
<i>Report of Case Study No 7: Child sexual abuse at the Parramatta Training School for Girls and the Institution for Girls in Hay</i>	10 November 2014
<i>Report of Case Study No 8: Mr John Ellis’s experience of the Towards Healing process and civil litigation</i>	11 February 2015
<i>Report of Case Study No 9: The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann’s Special School</i>	4 June 2015
<i>Report of Case Study No 10: The Salvation Army’s handling of claims of child sexual abuse 1989 to 2014</i>	3 August 2015

Title of case study report	Case study report tabling date
<i>Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School</i>	19 December 2014
<i>Report of Case Study No 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009</i>	4 August 2015
<i>Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton</i>	11 December 2015
<i>Report of Report of Case Study No 14: The response of the Catholic Diocese of Wollongong to allegations of child sexual abuse, and related criminal proceedings, against John Gerard Nestor, a priest of the Diocese</i>	19 December 2014
<i>Report of Case Study No 15: Response of swimming institutions, the Queensland and NSW Offices of the DPP and the Queensland Commission for Children and Young People and Child Guardian to allegations of child sexual abuse by swimming coaches</i>	14 December 2015
<i>Report of Case Study No 16: The Melbourne Response</i>	14 September 2015
<i>Report of Case Study No 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home</i>	19 August 2015
<i>Report of Case Study No 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse</i>	23 November 2015
<i>Report of Case Study No 19: The response of the State of New South Wales to child sexual abuse at Bethcar Children's Home in Brewarrina, New South Wales</i>	15 December 2015
<i>Report of Case Study No 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school</i>	17 December 2015

Title of case study report	Case study report tabling date
<i>Report of Case Study No 21: The response of the Satyananda Yoga Ashram at Mangrove Mountain to allegations of child sexual abuse by the ashram's former spiritual leader in the 1970s and 1980s</i>	14 September 2016
<i>Report of Case Study No 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions</i>	29 November 2016
<i>Report of Case Study No 23: The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wahroonga, New South Wales</i>	13 September 2016
<i>Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol</i>	21 April 2016
<i>Report of Case Study No 27: The response of health care service providers and regulators in New South Wales and Victoria to allegations of child sexual abuse</i>	20 April 2016
<i>Report of Case Study No 28: Catholic Church authorities in Ballarat</i>	Yet to be tabled ⁶
<i>Report of Case Study No 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse</i>	28 November 2016
<i>Report of Case Study No 30: The response of Turana, Winlaton and Baltara, and the Victoria Police and the Department of Health and Human Services Victoria to allegations of child sexual abuse</i>	14 September 2016
<i>Report of Case Study No 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students</i>	14 February 2017
<i>Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated</i>	12 September 2016

Title of case study report	Case study report tabling date
<p><i>Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse</i></p> <p><i>Supplementary report to the response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse</i></p>	<p>15 February 2017</p> <p>Yet to be tabled</p>
<p><i>Report of Case Study No 35: Catholic Archdiocese of Melbourne</i></p>	<p>Yet to be tabled⁷</p>
<p><i>Report of Case Study No 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse</i></p>	<p>13 February 2017</p>
<p><i>Report of Case Study No 37: The response of the Australian Institute of Music and RG Dance to allegations of child sexual abuse</i></p>	<p>16 February 2017</p>
<p><i>Report of Case Study No 39: The response of certain football (soccer), cricket and tennis organisations to allegations of child sexual abuse</i></p>	<p>30 November 2016</p>
<p><i>Report of Case Study No 40: The response of the Australian Defence Force to allegations of child sexual abuse</i></p>	<p>22 August 2017</p>
<p><i>Report of Case Study No 41: Institutional responses to allegations of the sexual abuse of children with disability</i></p>	<p>14 June 2017</p>
<p><i>Report of Case Study No 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse</i></p>	<p>Yet to be tabled⁸</p>
<p><i>Report of Case Study No 43: The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious</i></p>	<p>Yet to be tabled⁹</p>
<p><i>Report of Case Study No 44: The response of Catholic Dioceses of Armidale and Parramatta to allegations of child sexual abuse against a priest</i></p>	<p>Yet to be tabled¹⁰</p>
<p><i>Report of Case Study No 45: Problematic and harmful sexual behaviours of children in schools</i></p>	<p>18 October 2017</p>

Appendix F Research themes

The Royal Commission established an extensive program of research to answer some key questions and respond to gaps in the Australian and international literature base. We commissioned and conducted descriptive research to establish necessary background information; primary research to fill critical evidence gaps; and research that summarised existing findings about child sexual abuse in institutional contexts, as well as practices that successfully prevent or respond to it.

Through robust research findings we sought to establish a strong evidence base for how to ensure institutions are safer for children. The research program was organised into eight themes, which explored related questions:

1. Causes

- a. Why do some individuals sexually abuse children?
- b. What are their characteristics and motivations?
- c. What are the known risk factors for perpetration?
- d. How does child sexual abuse occur in institutions?
- e. What are the causes, the barriers and the enablers in terms of victim characteristics and background, the physical and cultural environments of organisations, systemic loopholes and community attitudes?

2. Prevention: how can child sexual abuse in institutions be prevented?

- a. How is child sexual abuse within an institutional context best prevented?
- b. How do we decrease child vulnerability, prevent potential perpetrators from committing a first offence, prevent re-offending, treat offenders, make organisations more 'child safe', close systemic loopholes, and change community attitudes that enable child sexual abuse to occur?
- c. What programs and strategies have been found to be effective in preventing child sexual abuse?
- d. What is the logic that underpins common preventative strategies (eg protective behaviours)?

3. Identification: how can child sexual abuse be better identified?

- a. What prevents or facilitates the identification of victims of child sexual abuse within institutions?
- b. What are the signs?
- c. How might children attempt to draw attention to their plight through their words and behaviours?
- d. What contributes to the missing of opportunities for identification?
- e. What prevents the identification and reporting of suspected child sexual abuse?
- f. How do we facilitate suspected child sexual abuse being referred to a government statutory authority for formal response/investigation?

4. Institutional responses: what is best practice for institutional responses where child sexual abuse has occurred?

- a. What is best practice in organisational responses to child sexual abuse by persons affiliated with that organisation, or that occurred while the organisation had a duty of care to the child?
- b. Has the nature of institutional responses to alleged child sexual abuse varied across different organisation types (eg faith-based)? Do types or functions (eg out-of-home care) of an institution impact the risk of child sexual abuse to children? What are the factors that contribute to victim satisfaction/dissatisfaction with the organisational response?
- c. What is best practice in compensation and redress?
- d. What is required to enable a victim to access their records? In what ways can/should organisations hold perpetrators to account?

5. Government responses: what is best practice for government and statutory authorities responding to child sexual abuse?

- a. How do government responses need to differ in responses to child compared to adult survivors of child sexual abuse?
- b. Do government responses to victims of child sexual abuse that occurred in institutional contexts need to differ from the responses to child sexual abuse occurring in other contexts?
- c. What are the specific and additional responses required by government to monitor and respond to child sexual abuse that occurs within institutional contexts?

6. Treatment and support needs: what are the treatment and support needs of victims/survivors and their families?

- a. What are the impacts of child sexual abuse that occurred within an institutional context over the life course (short and long-term)?
- b. What are the opportunity and monetary costs of child sexual abuse on victims/survivors?
- c. What factors contribute to resilience among survivors?
- d. What are the optimal treatment and support options for victims/survivors?
- e. What are the impacts of child sexual abuse on families of minors?
- f. What are the impacts of child sexual abuse on the intimate partners and children of child sexual abuse survivors?
- g. What are the support needs of the families of child and adult survivors of child sexual abuse?
- h. How should the support needs be reflected in the conduct and outcomes of judicial proceedings?

7. Institutions of interest: what is the history of particular institutions of interest?

- a. What is known about the history, characteristics, functions, operations of institutions and institutional types that have been identified as of specific relevance to the Royal Commission's Terms of Reference?
- b. Where a particular institution or type of institution is identified as markedly different in its level of child sexual abuse, seek an explanation of why this might be so and identify areas for change.

8. Ensuring a positive impact: how do we ensure the Royal Commission's work has a positive impact?

- a. What can we learn about, and learn from, the conduct of independent inquiries that will support this Royal Commission to have a positive impact?

The research reports examined issues such as the history of institutions providing care to children, mandatory reporting, Working With Children Checks, legal protections against child sexual abuse, child exploitation materials, children's views about safety, and out-of-home care.

Abstracts of published research

1. Causes

Child exploitation material in the context of institutional child sexual abuse

- Dr Jeremy Prichard, Law School, University of Tasmania
- Dr Caroline Spiranovic, Law School, University of Tasmania

Objective

To examine any association between consumption of child exploitation material (CEM) and contact child sexual abuse, and identify potential prevention strategies for institutional contexts, in particular the workplace.

Method

Relevant literature was sourced and reviewed using social science, psychology and legal databases.

Results

The CEM market has expanded dramatically with the recent advent of digital technologies. However, while there is an association between CEM and contact child sexual abuse, no evidence exists to support a causal link between consuming CEM and contact child sexual abuse. However, viewing CEM may increase the risk of sexually abusing children for those already predisposed to sexual aggression and sexual deviancy. Potential prevention strategies for use of CEM in the workplace include blocking inappropriate websites, implementing IT systems that monitor or audit workers' internet use and implementing internet use policies among staff.

Conclusions

The current literature research base on CEM is limited. Although CEM offenders are a very diverse group, it is likely that those with a predisposition to sexual aggression/sexual deviance are at increased risk of contact child sexual abuse as a result of consuming CEM.

Taking us seriously: Children and young people talk about safety and institutional responses to their safety concerns

- Dr Tim Moore, Institute of Child Protection Studies, Australian Catholic University
- Professor Morag McArthur, Institute of Child Protection Studies, Australian Catholic University
- Debbie Noble-Carr, Institute of Child Protection Studies, Australian Catholic University
- Professor Deborah Harcourt, Australian Catholic University

Objective

To investigate children's and young people's perceptions of safety, with attention to institutional responses to their safety concerns. This study is one of four aimed at understanding how children perceive safety, including what should be done to respond to safety concerns in institutional contexts.

Method

Using a purposive recruitment strategy in institutions typically in contact with children, a total of 121 children and young people aged 4 to 18 years participated in 10 qualitative focus groups. Focus groups with children and young people used a range of techniques to elicit information such as safety maps, worry graphs and response matrixes. Data was analysed using a qualitative, inductive approach in NVivo.

Results

Responses from participants indicated that children and young people differentiate between feeling safe and being safe. Safety was often conceptualised in relation to other people such as trusted adults, familiarity and predictability. Children and young people were generally guided by previous experiences and things they have heard and been taught. Children and young people identified several factors that they felt made an institution safe, including valuing children's needs and wishes and proactively protecting children from potential threats and hazards.

Conclusions

There is a need for adults to better understand how children and young people conceptualise safety, how adults can better help children and young people understand child sexual abuse, and that children and young people should be more involved in identifying safety issues together with adults.

Feeling safe, being safe: What is important to children and young people with disability and high support needs about safety in institutional settings?

- Dr Sally Robinson, Centre for Children and Young People, Southern Cross University

Objective

To develop an understanding of what helps children and young people with disability and high support needs to feel safe and be safe. This study is one of four aimed at understanding how children perceive safety, including what should be done to respond to safety concerns in institutional contexts.

Method

Twenty-two children and young people aged seven to 25 years participated in a range of individual or group qualitative interviews. The format of interviews was modified depending on the support needs of participants. Supplementary interviews were also conducted with families and professionals working in the disability sector. Interviews and supporting material including drawings were thematically coded.

Results

Participants indicated that children and young people with disability and high support needs find it difficult to distinguish between trustworthy and untrustworthy people due to the way service systems operate. Factors that help or hinder children and young people from feeling safe in institutional contexts, including opportunities to learn how to be safe and feeling under-supported in transitional situations, are discussed.

Conclusions

Systemic impacts on participants in this study make them more vulnerable to a range of harms than children without disability or special needs. More work needs to be done to increase the active participation of children with disability and high support needs in order to contribute to what makes them feel and be more safe. The nature and quality of support relationships with children with disability should be monitored in a strategic and concerted way.

Our safety counts: Children and young people’s perceptions of safety and institutional responses to their safety concerns

- Dr Tim Moore, Institute of Child Protection Studies, Australian Catholic University
- Professor Morag McArthur, Institute of Child Protection Studies, Australian Catholic University
- Dr Jessica Heerde, Australian Catholic University
- Steven Roche, Institute of Child Protection Studies, Australian Catholic University
- Professor Patrick O’Leary, Griffith University

Objective

To test the findings of a previous qualitative study into children and young people’s perceptions of safety. This study is one of four aimed at understanding how children and young people perceive safety, including what should be done to respond to safety concerns in institutional contexts.

Method

The Australian Safe Kids and Young People (ASK-YP) survey was developed to test findings of the Taking us seriously study funded by the Royal Commission in 2013. Children and young people aged 10–17 years were recruited through institutions typically in contact with children to complete an online survey. The survey was completed by 1,480 participants.

Results

Most participants reported that they felt safe in institutions that value their views and opinions and pay attention when they raise concerns about their safety. Two-thirds felt it was unlikely they would encounter a scenario in which someone else made them feel unsafe but, if they did, they felt they would need another adult to intervene. Perceived barriers to seeking support from another adult included feeling uncomfortable talking to adults about sensitive issues and being concerned things would get worse if they did. More than half of participants felt that their school was doing enough to prevent children and young people from being unsafe, while one-third believed they could be doing more.

Conclusions

Institutions could be more aware of the barriers children and young people perceive to seeking and receiving support from adults. The finding that young people are more likely to turn to friends and parents for support needs to be further explored.

Scoping study for research into the prevalence of child abuse in Australia

- Professor Ben Mathews, Australian Centre for Health Law Research, Queensland University of Technology
- Associate Professor Kerryann Walsh, Children and Youth Research Centre, Queensland University of Technology
- Professor Michael Dunne, Children and Youth Research Centre, Queensland University of Technology
- Professor Ilan Katz, Social Policy Research Centre, University of New South Wales
- Professor Fiona Arney, Australian Centre for Child Protection, University of South Australia
- Associate Professor Daryl Higgins, Australian Institute of Family Studies
- Olivia Octoman, Australian Centre for Child Protection, University of South Australia
- Samantha Parkinson, Australian Centre for Child Protection, University of South Australia
- Shona Bates, Social Policy Research Centre, University of New South Wales

Objective

To scope the research design, methodology, cost and governance structure of two studies investigating the prevalence of child maltreatment in Australia, including the prevalence of institutional child sexual abuse.

Method

A systematic review of international literature regarding national population-based studies of the prevalence of child maltreatment was undertaken. Added to this, examination of existing Australian surveys and data collections was used to explore the potential for a prevalence study to be incorporated into an existing framework. The study also involved consultations with experts.

Findings

Australia is one of few developed countries that does not have an existing prevalence study on child abuse and neglect. Based on a small number of existing survey instruments that have been validated internationally, the research determined that an adapted Juvenile Victimization Questionnaire (JVQ) would be the most appropriate existing instrument for an Australian prevalence study.

Conclusions

The research suggests a strong need for an Australian prevalence study on child maltreatment – one that is repeated at regular intervals and takes into account diverse subpopulations including people with disability, people from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander peoples.

Evidence and frameworks for understanding perpetrators of institutional child sexual abuse

- Dr Michael Proeve, University of Adelaide
- Catia Malvaso, University of Adelaide
- Dr Paul DelFabbro, University of Adelaide

Objective

To review existing research literature regarding perpetrators of child sexual abuse in all settings including institutional contexts.

Method

A search of key databases identified peer-reviewed and other research literature published in English from 2000 onwards. This was complemented with additional articles, book chapters and books published earlier than 2000 based on a search of bibliographies in articles retrieved in the initial search. A review was conducted of retrieved literature.

Findings

The large majority of perpetrators of child sexual abuse in all settings were male, with onset of perpetration clustered at ages 11–15 and late 20s to early 30s. Perpetrators were more likely than non-perpetrators to have problems with social skills, chronic attachment disorganisation, and emotional congruence with children. There was inconsistent research evidence to support the hypothesis that those who have been sexually abused as a child are more likely to perpetrate child sexual abuse later in life. Prospective and longitudinal studies found that children who have been the victim of any kind of maltreatment (physical, sexual, emotional abuse or neglect) – rather than sexual abuse specifically – were at higher risk of perpetrating child sexual abuse in later life. Children with harmful sexual behaviours were more likely than other children to have been exposed to violent pornography. Comparatively few studies examine perpetrators in institutional contexts, with the exception of the Catholic Church; these studies highlighted that the majority of victims of clergy are adolescent boys.

Conclusions

Limited existing research literature suggests that there are few differences between perpetrators in institutional contexts and perpetrators in other extra-familial settings, except that the former group are more likely to have fewer antisocial characteristics.

Risk profiles for institutional child sexual abuse: A literature review

- Professor Keith Kaufman, Department of Psychology, Portland State University, United States
- Marcus Erooga, Centre for Applied Childhood, Youth and Family Research, University of Huddersfield, United Kingdom

Objective

To review and synthesise literature regarding risk and protective factors for child sexual abuse in institutional contexts relating specifically to victims, perpetrators and institutions.

Method

A set of search terms and databases was used to identify literature and conduct a review into each area of interest. Summaries of relevant articles were developed by four independent project teams and synthesised to produce a final report. The review yielded more than 400 pieces of relevant literature.

Findings

Victims: gender and age of victims was closely associated with the kind of institutional context in which a child is sexually abused. Children with disability were at higher risk of being sexually abused, particularly those with intellectual, behavioural and communication disability. Family risk factors increasing the likelihood of becoming a victim of child sexual abuse included prior maltreatment and parental conflict.

Perpetrators: there was no profile of a 'typical' perpetrator of child sexual abuse. Opportunistic perpetrators were more likely to 'take rather than create' opportunities to sexually abuse a child, whereas predatory perpetrators were more likely to attempt to manipulate people and places in order to sexually abuse a child.

Institutional contexts: the physical characteristics and organisational culture of the institutional context and the implementation of policies and procedures contributed to the risk of child sexual abuse occurring in institutions.

Conclusions

The literature suggests that an effective way to decrease the risk of child sexual abuse in institutional contexts is to create and foster a positive, open and inclusive organisational culture in which the safety and welfare of children is paramount and is understood by everyone in the institution. This cultural change should be led by senior management.

Disability and child sexual abuse in institutional contexts

- Professor Gwynnyth Llewellyn, Centre for Disability Research and Policy, University of Sydney
- Dr Sarah Wayland, Centre for Disability Research and Policy, University of Sydney
- Gabrielle Hindmarsh, Centre for Disability Research and Policy, University of Sydney

Objective

To explore the interaction between characteristics of a child's impairment and the environment which may lead to the sexual abuse of children with disability in institutional contexts, and evidence-based prevention approaches to sexual abuse of children with disability in institutional contexts in the future.

Method

The paper uses reports, submissions, position papers and scientific literature from Australia primarily to analyse both past and present approaches to children with disability and disability services. Additionally, international literature is used to identify prevalence and the interactions between impairment and environment and their potential influence on risk of abuse.

Findings

There is a lack of Australian prevalence data on the sexual abuse of children with a disability. International data estimates the prevalence rate at about 13.7 per cent or roughly a three times greater risk of sexual violence for children with a disability. There is little research on the risk of child sexual abuse for children with a disability but it is assumed to relate to children who are less able to communicate and are frequently in situations where they require one-on-one personal care. Little evidence exists on effective programs and prevention strategies for the sexual abuse of children with disability.

Conclusions

National legislation and policy frameworks fail to acknowledge that children with disability are at a heightened risk of sexual abuse. Research still needs to understand the particular circumstances of heightened risk of sexual abuse for children with disability and how children with disability can become an integral part of the reform agenda on bringing people with disability into everyday institutions in the community.

The role of organisational culture in child sexual abuse in institutional contexts

- Professor Donald Palmer, Graduate School of Management, University of California, Davis, United States

Objective

To analyse the role that organisational culture plays in child sexual abuse in institutional contexts, with attention to the effect organisational culture can have on the perpetration and detection of, and institutional responses to, child sexual abuse.

Method

A set of search terms and databases was used to identify and review literature on the role organisational culture plays in institutional child sexual abuse specifically, and in organisational misconduct more broadly. The findings of this literature inform an analysis of seven Royal Commission case studies.

Findings

The role of organisational culture in child sexual abuse in institutional contexts can be considered in relation to organisations that conform to the total institution ideal type. Within total institutions, members are sharply delineated into staff and 'inmates', with staff strictly controlling all facets of inmates' lives. Features of total institutions that assist in the perpetration or prevent the detection of child sexual abuse include the tendency of total institutions to constitute alternative moral universes; embrace degrading assumptions about the nature of inmates; extinguish inmates' pre-institutional identities; and withhold information about the institution's operations. There are also organisational cultural factors in institutions that do not conform to the total institution ideal type that may facilitate the perpetration of abuse. These are also discussed.

Conclusions

A number of suggestions are made to reduce the incidence, speed up the detection and enhance the response to child sexual abuse in institutional contexts. These include the cultures of safety-conscious organisations and child safe organisations, organisational leadership, socialisation and artefacts and practices.

Safe and sound: Exploring the safety of young people in residential care

- Dr Tim Moore, Institute of Child Protection Studies, Australian Catholic University
- Professor Morag McArthur, Institute of Child Protection Studies, Australian Catholic University
- Dr Jodi Death, Queensland University of Technology
- Steven Roche, Institute of Child Protection Studies, Australian Catholic University
- Professor Clare Tilbury, Griffith University

Objective

To develop an understanding of how children and young people experience safety and institutional responses to safety in residential care. This study is one of four aimed at understanding how children perceive safety, including what should be done to respond to safety concerns in institutional contexts.

Method

Twenty-seven children and young people aged 10 to 20 years participated in face-to-face qualitative interviews. Interviews were conducted by skilled researchers and guided by an interview schedule. All interviews were recorded with participants' consent. Interviews were coded and analysed in NVivo using both inductive and deductive thematic analysis.

Results

Most children and young people reported that they were not and did not feel safe in residential care. Most participants talked about risks in residential care including bullying, harassment and violence. Young people also raised problematic peer sexual behaviour. Children and young people felt that raising concerns about their safety was difficult, requiring workers to actively watch out for risks and initiate conversations with children and young people who might need support.

Conclusions

Children and young people in residential care are confronted with varying levels of conflict, peer-to-peer violence and sexual violence. Ideas on how to improve safety in residential care included having workers within residential care who were interested in and willing to listen to young people's complaints.

Assessing the different dimensions and degrees of risk of child sexual abuse in institutions

- Professor Patrick Parkinson AM
- Professor Judy Cashmore AO

Objective

To establish a means of differentiating between types of institutions in terms of level of risk of child sexual abuse according to the characteristics of the institution and the kinds of activities that it organises.

Method

The methodology for this study was to examine the following sources of information:

- existing categorisations of institutional risk of child sexual abuse
- existing literature on risk and protective factors within institutions including selected research projects commissioned by the Royal Commission
- analysis of selected Royal Commission case study reports.

Findings

The authors propose that a typology or measure for risk of child sexual abuse in institutional settings needs to comprise the following four dimensions:

- situational risk – arising from the institutional context including the physical environment and the nature of the activities provided
- vulnerability risk – arising from the characteristics of the children present in the institution
- propensity risk – arising from a disproportionate clustering of adults with a propensity to abuse children and young people and/or children with harmful sexual behaviours
- institutional risk – characteristics of the institution that may make abuse more likely to occur, less likely to be identified and responded to effectively.

Conclusions

In summary, the overall framework provides a cumulative measure that gives more weight to both an elevated vulnerability risk and an elevated situational risk, and the highest risk assessment to activities or institutions where both kinds of elevated risk are present, and in institutions that contain the elements of a ‘total institution’ that are separated from the general community and where there is a culture of not listening to children.

Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts

- Patricia Anderson AO, Lowitja Institute and Referendum Council
- Adjunct Professor Muriel Bamblett AM, Victorian Aboriginal Child Care Agency
- Professor Dawn Bessarab, Telethon Kids Institute
- Professor Leah Bromfield, Professorial Fellow, Royal Commission into Institutional Responses to Child Sexual Abuse
- Dr Sharni Chan, Royal Commission into Institutional Responses to Child Sexual Abuse
- Gabriel Maddock, Telethon Kids Institute
- Karen Menzies, Wollotuka Institute, University of Newcastle
- Margaret O'Connell, Curtin University
- Glenn Pearson, Telethon Kids Institute
- Dr Roz Walker, Telethon Kids Institute
- Dr Michael Wright, Telethon Kids Institute

Objective

To examine Aboriginal and Torres Strait Islander children's vulnerability to child sexual abuse in institutions in the past and to explore the risk and protective factors Aboriginal and Torres Strait Islander children face in contemporary institutions.

Method

The research team conducted a review of key national and state inquiries that addressed the past and present vulnerability of Aboriginal and Torres Strait Islander children to physical, emotional and sexual abuse. The research team supplemented the findings of these inquiries with peer-reviewed literature and the substantial expertise, knowledge and experience of the advisory group.

Findings

In the past, Aboriginal and Torres Strait Islander children were vulnerable to sexual abuse in institutions. They were subject to racist social attitudes and discriminatory laws, policies and practices that meant they were institutionalised in high numbers, faced fewer protections and were exposed to greater risks while in institutions. There is no comprehensive data to know whether Aboriginal and Torres Strait Islander children experience child sexual abuse at higher rates than non-Aboriginal children in contemporary institutions. We do know that, due to the impacts of past policies and practices as well as ongoing systematic racism, Aboriginal and Torres Strait Islander children are disproportionately placed in out-of-home care and juvenile detention. These institutions carry higher situational risk for child sexual abuse, relative to other

types of institutions. For the same reasons, Aboriginal and Torres Strait Islander children face more of the known risk factors for child sexual abuse in institutional settings compared with non-Aboriginal children. When they are in residential institutions they are often still separated from protective factors such as strong connection to culture.

Conclusions

Child sexual abuse is not a part of any Aboriginal or Torres Strait Islander culture and there is nothing inherent to being an Aboriginal or Torres Strait Islander child that makes a child more vulnerable to sexual abuse in an institution. Instead, the findings of this research suggest that Aboriginal and Torres Strait Islander children are more likely to encounter circumstances that increase their risk of abuse in contemporary institutions, reduce their ability to disclose or report abuse and, if they do report, reduce their chances of receiving an adequate response.

Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data

- Professor Leah Bromfield, Australian Centre for Child Protection, University of South Australia
- Craig Hirte, Australian Centre for Child Protection, University of South Australia
- Olivia Octoman, Australian Centre for Child Protection, University of South Australia
- Professor Ilan Katz, Social Policy Research Centre, University of New South Wales

Objective

To explore the nature and extent of contemporary child sexual abuse in institutional contexts in Australia by identifying current administrative data holdings on incidents of institutional child sexual abuse, determining the accessibility of such data for research purposes and presenting analysis of relevant data.

Method

The project comprised four key stages:

- a literature review of relevant Australian and international literature on methodologies for using administrative data to estimate the extent of institutional child sexual abuse
- conceptual scoping and desktop analysis of potential data sources
- consultations with data custodians regarding issues such data holdings, data extraction and data fields
- data extraction and analysis to explore the nature and extent of institutional child sexual abuse in Australia

Findings

Data from police, Working With Children Checks, child protection and education departments was reviewed. Police data proved the most informative data-set. The best Australian indicator for estimating the extent of institutional child sexual abuse was based on police data and only calculable for New South Wales. It estimated that about 4 per cent of all recent allegations of child sexual abuse reported to police related to child sexual abuse in an institutional location.

Conclusions

A gap in available data on incidents of child sexual abuse in the community was identified. Had data from a national community-based child maltreatment prevalence or incidence study been available, it would have been possible to draw conclusions about the extent to which police allegations and other administrative data reflect the actual incidence of child sexual abuse within the community. An additional follow-up study was recommended and conducted by the Royal Commission to better understand police recording practices across jurisdictions in regard to allegations of child sexual abuse.

Child sexual abuse in institutional contexts: The reliability of police data, nature of allegations reported to police, and factors driving reporting rates

- Samantha Parkinson, Australian Centre for Child Protection, University of South Australia
- Dr Kerry Lewig, Australian Centre for Child Protection, University of South Australia
- Catia Malvaso, Australian Centre for Child Protection, University of South Australia
- Professor Fiona Arney, Australian Centre for Child Protection, University of South Australia
- Professor Ilan Katz, Social Policy Research Centre, University of New South Wales
- Dr BJ Newton, Social Policy Research Centre, University of New South Wales

Objective

To determine the accuracy and reliability of data and proxy indicators used to categorise allegations of institutional and non-institutional child sexual abuse in the Royal Commission's administrative data report. Also, to explore factors that may drive different reporting rates for child sexual abuse in Australian jurisdictions.

Method

The project comprised three key stages:

- a literature review to ascertain what if anything is known regarding different reporting rates of child sexual abuse across Australian police jurisdictions
- consultations with data custodians and operational police across jurisdictions to identify differences in recording practices and to what extent this may account for differences in child sexual abuse reporting rates across jurisdictions
- a case file review of a random sample of institutional and non-institutional child sexual abuse reports to police to review accuracy and reliability of the dataset, the nature and circumstances surrounding reports to police and the factors that might drive reporting rates.

Findings

It was found that the majority of allegations reported to police were accurately categorised in the dataset as institutional or non-institutional child sexual abuse. Few errors were identified and it was unclear if the errors identified were due to human error in data entry or actual variations in recording practices. Institutional and non-institutional cases of child sexual abuse were compared and factors relating to the nature and circumstances of reports were presented.

Conclusions

Three possible factors were identified that could be impacting different reporting rates across jurisdictions. These included legislation and legal reform – for example, child protection inquiries and reforms – and differing legislation or legal definitions; police recording processes; and the extent of unreported crime which could be influenced by the relationship between police and the communities they serve, as well as by how effectively police manage allegations of sexual abuse.

Life journeys of victims/survivors of child sexual abuse in institutions: An analysis of Royal Commission private sessions

- Professor Ilan Katz, Social Policy Research Centre, University of New South Wales
- Anna Jones, Social Policy Research Centre, University of New South Wales
- Dr BJ Newton, Social Policy Research Centre, University of New South Wales
- Dr Elizabeth Reimer, Southern Cross University

Objective

To better understand the experience of victims and survivors of child sexual abuse in institutional contexts over their life course, using qualitative and quantitative information gathered from private sessions.

Method

The research was primarily qualitative, with quantitative analysis of the Royal Commission's private sessions database providing contextual and supplementary material. The qualitative analysis involved an examination of 61 transcripts of private sessions, selected at random and stratified according to the time period in which the abuse occurred and by the type of institution in which the victim was abused. The quantitative component involved an analysis of information from private sessions that were held between 7 May 2013 and 28 February 2015 inclusive. A brief literature review was undertaken to accompany and inform the qualitative analysis for the report.

Findings

The findings indicate that the impacts of child sexual abuse are life long and can severely undermine the mental and physical health of survivors as well as their relationships and educational attainment throughout their adult lives. The change in institutional contexts rather than the changes in attitudes towards children appear to have been the major factor influencing changes in the nature of abuse over time.

Conclusions

The research indicates that many survivors are able to draw upon inner resources and external support to assist the recovery process. Recovery is seldom complete. The majority of survivors continue to have some level of trauma throughout their adult life. Nevertheless, with appropriate support and assistance, many are able to lead relatively stable and productive adult lives.

Framework for historical influences on institutional child sexual abuse: 1950–2014

- Dr Antonia Quadara, Australian Institute of Family Studies

Objective

An accessible framework to present the key mechanisms, practices, attitudes and social systems influencing how child sexual abuse in institutional settings (specifically out-of-home care) was acknowledged and responded to in the period 1950–2014.

Method

The researchers drew on multiple sources to develop the framework and an understanding of the factors shaping institutional responses since 1950. These included a number of Royal Commission-funded research reports and Royal Commission case study reports as well as other grey and academic literature.

Findings

The framework demonstrates a shift in the collective awareness of child sexual abuse as a social reality. The mapping suggests an upwards trajectory of:

- awareness and activism in the 1970s
- empirical quantifying of the problem in the 1980s and government willingness to address child sexual abuse
- increasing public awareness and exposure in the 1990s.

Conclusions

The author identifies that the difficulty of translating into practice the complexities of multiple policies and service systems may put children and young people in out-of-home care settings at risk and cause inadequate responses to allegations of sexual abuse.

2. Prevention

Scoping review: Evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse

- Dr Sandra South, Parenting Research Centre
- Professor Aron Shlonsky, School of Health Sciences, University of Melbourne
- Dr Robyn Mildon, Parenting Research Centre

Objective

To review evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse.

Method

A systematic search strategy was conducted using identified databases and search terms. Studies were screened for inclusion based on eligibility criteria and reviewed using an adapted narrative analysis approach. A total of 25 evaluations were reviewed in the study.

Findings

Criminal background checks appeared to be universally considered an important component of pre-employment screening. Their limited effectiveness if used as the only screening tool was emphasised. Other types of pre-employment screening methods are also discussed.

Conclusions

Little is known about the effectiveness of pre-employment screening practices on reducing rates of child sexual abuse in institutional contexts. However, the need for comprehensive pre-employment screening practices was confirmed.

Child sexual abuse prevention programs for pre-schoolers: A synthesis of current evidence

- Dr Claudia Pitts, Royal Commission into Institutional Responses to Child Sexual Abuse

Objective

To review literature on the efficacy of pre-school child sexual abuse prevention programs.

Method

A modified PRISMA methodology was used to search four online databases using search terms. Using screening criteria, a total of 23 studies were reviewed in the study. Analysis used defined outcome measures structured around a theory of change model.

Findings

Child sexual abuse prevention programs for pre-schoolers appeared to be effective at increasing young children's ability to detect inappropriate touch requests, and increase their behavioural skills around what to do and say, who to tell and what to report if confronted by an inappropriate touch request.

Conclusions

Generally, evaluations of pre-school prevention programs are of an insufficient quantity and quality to inform best practice in design and delivery. More research is needed to determine the size of the effect of prevention and whether or not prevention programs for pre-schoolers have an effect on rates of disclosure.

Scoping review: Evaluations of out-of-home care practice elements that aim to prevent child sexual abuse

- Dr Sandra South, Parenting Research Centre
- Professor Aron Shlonsky, School of Health Sciences, University of Melbourne
- Dr Robyn Mildon, Parenting Research Centre

Objective

To review evaluations of out-of-home care practice elements aimed at preventing child sexual abuse in out-of-home care settings.

Method

A systematic search strategy was conducted using identified search terms and databases. Studies were screened for inclusion based on eligibility criteria and synthesised using an adapted narrative analysis approach. A total of 16 evaluations were reviewed in the study.

Findings

None of the reviewed studies specifically tested the effectiveness of practice elements aimed at preventing child sexual abuse by caregivers or staff in out-of-home care settings. Studies either reviewed evaluations of training/support/treatment programs for children displaying harmful sexual behaviour or reviewed retrospective case studies identifying promising prevention practices.

Conclusions

Available literature suggests that more could be done to prevent child sexual abuse in out-of-home care settings, including assessing individual children's needs at placement.

Key elements of child safe organisations: Research study

- Associate Professor Kylie Valentine, Social Policy Research Centre, University of New South Wales
- Professor Ilan Katz, Social Policy Research Centre, University of New South Wales
- Dr Ciara Smyth, Social Policy Research Centre, University of New South Wales
- Cathy Bent, Parenting Research Centre
- Sophia Rinaldis, Parenting Research Centre
- Catherine Wade, Parenting Research Centre
- Bianca Albers, Parenting Research Centre

Objective

This study sought advice and consensus from relevant experts on key principles of child safe organisations, including the costs and risks of implementing these principles in an Australian context.

Method

The study adapted a Delphi methodology using qualitative and quantitative approaches. Two rounds of online surveys seeking 39 experts' advice on nine proposed principles of child safe organisations were conducted over a six-month period.

Findings

The majority of respondents agreed that the nine identified elements were relevant, reliable and achievable. Common concerns raised by experts related to how the elements could be practically implemented, including a nationally consistent versus individual jurisdictional approach, and to what degree compliance to the principles should be mandatory.

Conclusions

Suggestions for how the elements could be meaningfully implemented are discussed including evaluation of their implementation.

Grooming and child sexual abuse in institutional contexts

- Professor Patrick O'Leary, Griffith University
- Emma Koh, Royal Commission into Institutional Responses to Child Sexual Abuse
- Andrew Dare, Royal Commission into Institutional Responses to Child Sexual Abuse

Objective

To provide an overview of key conceptual issues in the definition and understanding of grooming, particularly as it relates to child sexual abuse in institutional contexts.

Method

This paper takes a narrative review approach to synthesising key literature. It is not an exhaustive review of all literature on grooming and grooming behaviour, but instead combines an initial search strategy with the authors' expertise to synthesise key literature.

Findings

Grooming is recognised as a complex, commonly incremental process that can involve three main stages – from gaining access to the victim, initiating and maintaining the abuse and concealing the abuse. Different types of perpetrators apply different types of grooming techniques and behaviours which may be premeditated, planned or impulsive. The literature suggests that the best way to identify and prevent grooming and child sexual abuse may be through policies and procedures relating to organisational values and culture.

Conclusions

Processes that facilitate the reporting of suspected grooming, as well as appropriate measures to manage such reports, may help organisations to identify and prevent grooming. Given the relative infancy of research on grooming, it is clear that further research is needed into grooming techniques and how grooming relates to child sexual abuse in institutional contexts.

Help-seeking needs and gaps for preventing child sexual abuse

- Vicky Saunders, Institute of Child Protection Studies, Australian Catholic University
- Professor Morag McArthur, Institute of Child Protection Studies, Australian Catholic University

Objective

The aim of the research project was to investigate the help-seeking behaviours and service needs of a range of target groups, including professionals, parents and community members concerned about the behaviour of an adult who is exhibiting potentially sexually harmful behaviour towards a child (including grooming, sexually inappropriate online behaviour and use of child pornography); professionals, parents and community members concerned about a child who is exhibiting potentially sexual, harmful behaviour; and individuals concerned that they may sexually harm or sexually abuse a child.

Method

The methodology included a literature review to inform and provide context to the data collection phases of the research project, and to describe the evidence regarding the needs and help-seeking behaviour of the stated target groups; a service-mapping exercise; and interviews with 23 existing service providers that respond to the needs of target groups and focus groups with parents and caregivers, community members and professionals working with and for children. Qualitative data was coded using NVivo.

Findings

Current responses to child sexual abuse generally focus on the needs of victims/survivors of child sexual abuse. There is a lack of awareness among parents and community members about the concept and dynamics of child sexual abuse, and an under-confidence about how to recognise and respond to concerns about this abuse. There are various primary prevention education, training and information resources available within Australia. However, access to and use of these resources is problematic for professionals, parents and community members.

Conclusions

International approaches to child sexual abuse prevention have highlighted the help-seeking needs and behaviours of concerned adults, parents, perpetrators and offenders. The help-seeking behaviour of professionals is mostly linked to reporting obligations. While Australia has various child and parent education programs about child sexual abuse, access to prevention programs for perpetrators appears to focus more on those who have already offended, and there appears to be some confusion and a lack of consensus in Australia about what constitutes the primary prevention of child sexual abuse.

Rapid evidence assessment: Current best evidence in the therapeutic treatment of children with problem or harmful sexual behaviours, and children who have sexually offended

- Professor Aron Shlonsky, School of Health Sciences, University of Melbourne
- Bianca Albers, School of Health Sciences, University of Melbourne
- Dale Tolliday, New Street Services, Sydney Children's Hospitals Network
- Dr Sandra Jo Wilson, Peabody Research Institute, Vanderbilt University, United States
- Jennifer Norvell, Peabody Research Institute, Vanderbilt University, United States
- Lauren Kissinger, Peabody Research Institute, Vanderbilt University, United States

Objective

To identify current best evidence about the effectiveness and content of programs and practices, in Australia and internationally, aimed at treating children with problem sexual behaviour (aged under 10), children with harmful sexual behaviour (aged 10–17), and children who have sexually offended (aged 10–17).

Method

The authors obtained current best evidence in the international literature by conducting a rapid evidence assessment, a method that incorporates as many of the fundamental techniques used in high-quality systematic reviews as time and resources will allow, to produce a pre-specified, transparent and replicable synthesis of the literature.

Findings

Overall, the review has found there are few rigorous high-quality studies, especially for children outside the juvenile justice system. That said, a number of treatment approaches show promise. In particular, Multisystemic Therapy is one of the more promising models of treatment for children aged 10–17 who have sexually offended. However, it is not the only program or approach that has some measured and positive effect.

Conclusions

Children displaying problem and harmful sexual behaviours should be provided with a service that has the potential to change their behaviour. Additionally, the service should be evaluated consistently and rigorously to maintain and improve its quality.

Audit of primary school-based sexual abuse prevention policy and curriculum: Volumes 1 to 5

- Associate Professor Kerryann Walsh, Faculty of Education, Queensland University of Technology
- Leisa Brandon, Faculty of Education, Queensland University of Technology
- Dr Lisa Kruck, Faculty of Law, Queensland University of Technology

Objective

To audit primary school-based sexual abuse prevention policies and curricula for children aged five to 12 years relative to the current international evidence base.

Method

An audit tool was developed for this project that was based on a search of the literature on guidelines for effective school-based child sexual abuse prevention education. Academic databases, agencies and institutions, and grey literature were also searched.

An audit was conducted against the audit criteria from January to April 2014, by searching publicly accessible text; documents provided to the Royal Commission by state government departments of education; and documents provided by Catholic diocesan education offices. The audit excluded non-government independent schools.

In early 2015, a review of supplementary material provided by state and territory departments of education and Catholic diocesan education offices in response to the circulation of a draft of this report was also conducted.

Findings

The research found that not all of the audited Australian schools have a child protection policy. It found that child sexual abuse prevention education is typically located within the curriculum learning area of Health and Physical Education. Curriculum support (for instance manuals, lesson plans, teaching materials and resources) and pedagogical support (teacher training and professional development) was found to be most comprehensive in school systems that have developed a specific child sexual abuse prevention curriculum.

The research also found that some, but not all, school systems have an online interface specifically dedicated to communicating with parents and communities. None of the school systems provided information, specifically written for children and young people, regarding child sexual abuse prevention or institutional responses to child sexual abuse. In addition, none of the school systems disclosed any formal partnerships with referral or support agencies relevant to victims of child sexual abuse and their families.

Conclusions

The research indicates that child sexual abuse prevention is provided unevenly across school systems. This results in the potential for substantial inequality in Australian children's access to child abuse prevention education as part of their school curriculum.

3. Identification

Mandatory reporting laws for child sexual abuse in Australia: A legislative history

- Associate Professor Ben Mathews, Australian Centre for Health Law Research, Queensland University of Technology

Objective

To review the history of mandatory reporting legislation for child sexual abuse in Australian states and territories between 1969 and 2013, with attention to differences in legislative principles for mandatory reporting of child sexual abuse to child welfare agencies.

Method

Law and historical developments in each state and territory were reviewed as well as any publicly available records on factors that may have affected legislative change including government inquiries and law reform reports.

Findings

Mandatory reporting laws were introduced in each Australian state and territory in a piecemeal manner over a 44-year period, resulting in inconsistent legislative provisions between states and territories. Government inquiries and reviews between 1977 and 2013 favoured the introduction of mandatory reporting for child sexual abuse specifically, as well as extensions and/or modifications to improve existing legislation.

Conclusions

More rigorous research into mandatory reporting provisions is required to develop conditions for better case identification at an early stage, both within and across institutions.

Hear no evil, see no evil: Understanding failure to identify and report child sexual abuse in institutional contexts

- Professor Eileen Munro CBE, London School of Economics and Political Science, University of London, United Kingdom
- Dr Sheila Fish, Social Care Institute for Excellence, United Kingdom

Objective

To investigate barriers to identification of child sexual abuse in institutional contexts, with attention to how institutional factors may either facilitate or obstruct more effective prevention, identification and response strategies within institutions that have contact with children.

Method

A review was conducted of literature into errors of human reasoning and organisational factors that contribute to these errors. The findings of the literature review informed the development of an analytical framework which was used to examine two case studies conducted by the Royal Commission.

Findings

Errors of human reasoning in institutional contexts led to failures to adequately identify and respond to child sexual abuse. Analysis of two Royal Commission case studies highlighted several characteristics of organisational environments that may reinforce personal bias including local rationality, organisation culture, and a 'drift to failure'.

Conclusions

The role of organisational factors in failures to adequately identify and respond to child sexual abuse in institutional contexts can be mitigated by development and implementation of principles of high-reliability organisations. Principles include fostering of frequent, open and supportive supervision of staff in order to counteract the difficulties that staff face in making sense of ambiguous information about colleagues.

4. Institutional responses

History of Australian inquiries reviewing institutions providing care for children

- Professor Shurlee Swain, Australian Catholic University

Objective

To review inquiries into institutions providing residential out-of-home care for children in Australia between 1852 and 2013.

Method

A review was conducted of material sourced from the Find & Connect web resource and a targeted search of Trove, supplemented with major scholarly histories of child welfare in Australia.

Findings

Three categories of inquiries reflective of the period in which they occurred were identified. Inquiries were aimed at establishing the child welfare system, responding to allegations of abuse or hearing the testimony of victims and survivors. Key emphases of the inquiries were expediency and effective management of potentially errant children. Sexual abuse was rarely the direct subject of inquiries.

Conclusions

Inquiries in this period were less likely to recognise child sexual abuse, partly due to an avoidance of discussing sexual matters ('immorality') in public discourse. Responses served the interest of government and non-government institutions providing child welfare services.

History of institutions providing out-of-home residential care for children

- Professor Shurlee Swain, Australian Catholic University

Objective

To review the types of institutions providing residential out-of-home care for children in Australia between 1788 and the 1980s.

Method

A review was conducted of material sourced from the Find & Connect Web Resource.

Findings

The number and different types of institutions delivering residential out-of-home care to children in Australia varied, including governance arrangements and the types of children who were cared for. Initial specialist provisions for children were based on a desire to remove them from adult institutions such as asylums. As other needs were identified, types of institutions for children diversified.

Conclusions

The complexity of child welfare provisions weakened lines of responsibility within institutions providing residential out-of-home care. The level of government involvement in institutions impacted levels of oversight, at times leaving room for little regulation. Children were often powerless within this system.

History of child protection legislation in Australia

- Professor Shurlee Swain, Australian Catholic University

Objective

To provide an overview of legislative responses to children and institutions including the child protection system and out-of-home care settings across Australia between 1860 and 1990.

Method

A review was conducted of legislation sourced from the Find & Connect web resource, and supplemented by scholarly histories of child welfare provision in Australia.

Findings

Four major periods relating to the development and sustainment of child welfare in Australian history were identified: establishment of jurisdictional children's departments; emergence of the 'child rescue' movement; consolidation of children's best interests; and shift to children's rights. Attitudes to families and responsibility regarding children have changed throughout these periods. Special provisions or legislation were established for child migrants, Aboriginal and Torres Strait Islander children, children with disability, infants and child offenders.

Conclusions

Between 1860 and 1990, child welfare provision in Australia was not well coordinated, was slow to respond to international developments, and was poorly resourced. Consequently, it did not always prioritise the rights and best interests of children in care.

Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia

Objective

The Royal Commission conducted a comprehensive survey of all Catholic Church authorities in Australia, which sought data relating to all claims of child sexual abuse made against Catholic Church personnel received between 1 January 1980 and 28 February 2015.

Method

The Royal Commission gathered data from three sources:

1. data from Catholic Church authorities in Australia regarding claims of child sexual abuse made against Catholic Church personnel.
2. data from 10 Catholic religious institutes in Australia regarding the total number of people who were non-ordained religious members of these institutes and who ministered in Australia between 1950 and 2010 (which when analysed in conjunction with the claims data enabled calculation of the proportion of these non-ordained religious members who were alleged perpetrators).
3. data from 75 Catholic Church authorities in Australia that have priest members regarding the total number of priest members of the authority who ministered as Catholic priests in Australia between 1950 and 2010 (which when analysed in conjunction with the claims data enabled calculation of the proportion of these priests who were alleged perpetrators).

Findings

Of the 201 Catholic Church authorities surveyed, 92 (46 per cent) reported having received one or more claims of child sexual abuse. Overall, 4,444 claimants alleged incidents of child sexual abuse in 4,756 reported claims to Catholic Church authorities (some claimants made a claim of child sexual abuse against more than one Catholic Church authority). Of the total number of claims 41 per cent were received by male religious institutes with only religious brother members and 38 per cent were received by archdioceses/dioceses. The report presents detailed information about the characteristics of victims, the abuse and perpetrators. It also includes detailed information about the payments made following a claim.

Taking into account the duration of ministry, of priests from the 75 Catholic Church authorities with priest members surveyed, who ministered in Australia between 1950 and 2010, overall 7 per cent were alleged perpetrators. The comparable figure for Catholic Church authorities with diocesan priest members was 7.9 per cent. The comparable figure for Catholic Church authorities with religious priest members was 5.6 per cent.

A national comparison of carer screening, assessment, selection and training and support in foster, kinship and residential care

- Murray Benton, Inca Consulting
- Rohan Pigott, Inca Consulting
- Megan Price, Research Consultant
- Patrick Shepherdson, Research Consultant
- Dr Gail Winkworth, Research Consultant

Objective

To provide a national comparison of carer screening, assessment, selection, training and support in relation to the prevention of, and effective response to, child sexual abuse in foster care, kinship care and residential care settings.

Method

The method included:

- a review of documentation including, but not limited to, submissions made to the Royal Commission as part of Case Study 24, which examined preventing child sexual abuse in out-of-home care and responding to allegations of child sexual abuse occurring in out-of-home care
- interviews with representatives of relevant state and territory government agencies
- interviews and small group discussions with representatives of non-government providers of out-of-home care services, peak organisations and training organisations.

Findings

The legislative and structural arrangements for out-of-home care vary considerably between the eight Australian states and territories, with key points of differentiation including the mix and balance of government and non-government service provision across the various care types, the range and mix of settings and care models, reform processes, the stipulated training requirements and arrangements for monitoring, oversight and accountability.

Conclusions

Through carer screening, assessment, training and support, clear efforts are made to ensure that children and young people are safe from abuse and that the trauma they have suffered as a result of prior abuse is addressed through the care they receive. Moreover, recent and planned systemic improvements are intended to provide stronger protections and better meet the needs of children and young people in care.

Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia

Objective

The Royal Commission conducted a comprehensive survey of the 23 Anglican Church dioceses in Australia to gather data about complaints of child sexual abuse received between 1980 and 2015.

Method

The Royal Commission gathered data from each Anglican Church diocese in Australia regarding all complaints received by an Anglican Church diocese between 1 January 1980 and 31 December 2015. There was no limitation in relation to the date of the alleged incidents of child sexual abuse.

Findings

Of the 23 Anglican Church dioceses surveyed, 22 reported having received one or more complaints of child sexual abuse. Overall, 1,085 complainants alleged incidents of child sexual abuse in 1,119 reported complaints to Anglican Church dioceses (some complainants made a complaint of child sexual abuse against more than one Anglican Church diocese).

A total of 569 alleged perpetrators were identified in complaints of child sexual abuse, including 247 ordained clergy (43 per cent of all known alleged perpetrators) and 285 lay people (50 per cent of all known alleged perpetrators). Additionally, 133 people whose identity was not known were the subject of complaints. Of all alleged perpetrators, 94 per cent were male and 6 per cent were female.

5. Government responses

Historical review of sexual offence and child sexual abuse legislation in Australia: 1788–2013

- Hayley Boxall, Australian Institute of Criminology
- Dr Adam M Tomison, Australian Institute of Criminology
- Shann Hulme, Australian Institute of Criminology

Objective

To provide an understanding of the socio-political context in which child sexual abuse legislation developed in Australia and internationally between 1788 and 2013 and to provide an overview of offences with which a person who sexually abused a child could have been charged in each Australian jurisdiction between 1950 and 2013.

Method

A review was conducted of digital and non-digital literature and legislation.

Findings

Socio-political factors and events linked to the development of Australia's awareness and understanding of child sexual abuse also contributed to Australian statutory child protection systems. These included changes in social and cultural perceptions of the role and value of children in Australia and other western societies, gradual increases in awareness of child maltreatment including child sexual abuse and its potential impact, and concomitant legislative developments. An overview describes the different types of offences a person who sexually abused a child could be charged with in each Australian jurisdiction between 1950 and 2013.

Conclusions

A review of history shows that the awareness of child sexual abuse has gone through various stages, including the recognition of children's rights in the 1990 United Nations Convention on the Rights of the Child. The report concludes by discussing the similarities and differences in the development of child sexual offences and child protection laws in each Australian jurisdiction.

Brief review of contemporary sexual offence and child sexual abuse legislation in Australia: 2015 update

- Hayley Boxall, Australian Institute of Criminology
- Georgina Fuller, Australian Institute of Criminology

Objective

To provide an update to the *Brief review of contemporary sexual offence and child sexual abuse legislation in Australia* report published in 2014. It provides an overview of offences that an individual who sexually abuses a child in an institutional setting could be charged with as at the end of 2015.

Method

Information regarding (then) current sexual offence legislation for each jurisdiction in Australia was accessed via AustLII.

Results

The report provides an overview of all contact and non-contact child sexual offences and child pornography production offences for which a person could be charged in each Australian jurisdiction. It also includes all offences for which institutions and/or their representatives could be charged if they were aware of child sexual abuse and failed to report it. The overview includes information relating to each offence including aggravating factors, age of the victims, and maximum penalties.

Conclusions

The review only considers offences relating to individuals located within Australia. Further, while there are a number of defences that may be used to refute charges brought under sexual offence or child sexual abuse legislation (for example, honest and reasonable belief that a person was over a certain age and similarity in age between the victim and offender), consent is the only defence considered in the review. Since the initial report was published, a number of states and territories revised or updated legislation relating to sexual offences in Australia. Key changes related to legislation in Victoria, New South Wales and the Australian Capital Territory.

Sentencing for child sexual abuse in institutional contexts

- Emeritus Professor Arie Freiberg, Faculty of Law, Monash University
- Hugh Donnelly, Judicial Commission of New South Wales
- Dr Karen Gelb, Consultant Criminologist

Objective

To examine sentencing law and practice in relation to child sexual abuse with attention to the principles of sentencing and sentencing standards available to detain offenders in custody or restrict and monitor their movement. It considers organisational responsibility for child sexual abuse and the sanctions that may be imposed upon institutions. It includes a primary analysis of sentencing in 84 cases of institutional child sexual abuse in which the case was finalised in the New South Wales District Court.

Method

A database of 248 institutional child sexual abuse cases was compiled. Sentencing variables and surrounding case factors were collected for each case and analysed, with a more complex analysis conducted of 84 cases in the District Court of New South Wales.

Findings

Sentencing for child sexual abuse, including high attrition rates, was often related to delayed reporting. A range of sentencing aims and factors were taken into consideration in individual child sexual abuse cases. There is little consistency of sentencing standards across Australian jurisdictions. Community perceptions of sentencing of child sexual offenders are closely associated with the prevalence of myths and misconceptions of this group of offenders. Ancillary orders and special provisions for sex offenders are used infrequently in sentencing decisions.

Conclusions

Historically, there have been limits in the criminal law in applying corporate criminal responsibility to institutions for child sexual abuse. A number of options for holding institutions criminally responsible in institutional child sexual abuse cases are discussed.

The admissibility and use of tendency, coincidence and relationship evidence in child sexual assault prosecutions in a selection of foreign jurisdictions

- Associate Professor David Hamer, Sydney Law School, University of Sydney

Objective

To survey the legal treatment of tendency, coincidence and relationship evidence applicable in sexual assault prosecutions in England/Wales, New Zealand, Canada, and the US with attention to reform options for laws governing tendency and coincidence evidence in Australia, in relation to the prosecution of child sexual abuse cases.

Method

Legislation and legal precedent regarding admissibility and use of tendency, coincidence and relationship evidence in each jurisdiction was examined.

Findings

Admissibility decisions in each of the jurisdictions were highly discretionary and fact-specific, making generalisation difficult. Key similarities in the ways in which tendency, coincidence and relationship evidence is applied in sexual assault prosecutions in England, Wales, Canada, New Zealand and the United States of America is discussed.

Conclusions

Policy choices will direct if and how laws governing tendency and coincidence evidence are reformed in Australia. A range of reform options are discussed, including assessments of their workability and potential impact on child sexual assault prosecutions.

A statistical analysis of sentencing for child sexual abuse in institutional contexts

- Dr Karen Gelb, Consultant Criminologist

Objective

To provide a follow-up to the *Sentencing for child sexual abuse in institutional contexts* report published in July 2015, with attention to a detailed analysis of sentencing factors relating to a range of institutional child sexual abuse cases. These include the nature of, and responses to, institutional child sexual abuse. The analysis focused on understanding interactions that influenced both sentencing outcomes and the delay involved in sentences for child sexual abuse offences.

Method

Quantitative and qualitative analyses were conducted on 283 sentenced cases of institutional child sexual abuse. Quantitative analysis examined the effect of a range of factors on sentencing outcome and delay (average length of delay from first known offence to sentence). Qualitative analysis examined the nature of offending by people with multiple victims.

Findings

The most common sentence imposed was imprisonment, although 15 per cent received a wholly suspended sentence. The average delay between the first known offence and the sentence was 25 years. The presence of grooming and a higher number of offences predicted a higher likelihood of a custodial sentence. The strongest predictor of total effective sentence was the number of offences. Factors affecting delay between first known offence and sentence are discussed.

Conclusions

There is a need for further research to better understand why factors related to different types of victims and perpetrators influence sentence outcomes. Court reporting could also be improved to make it clearer which cases of child sexual abuse occur in an institution.

The use and effectiveness of restorative justice in criminal justice systems following child sexual abuse or comparable harms

- Dr Jane Bolitho, University of New South Wales
- Karen Freeman, University of New South Wales

Objective

To examine international literature regarding the use, justification and effectiveness of restorative justice practices in criminal justice systems in response to child sexual abuse, with attention to institutional and non-familial child sexual abuse.

Method

A number of identified search strategies were employed to detect relevant literature across a number of disciplines including criminology, law, social work and psychology. Methods were designed to maximise the chances of capturing relevant literature. A total of 55 pieces of literature were reviewed.

Findings

Fifteen programs formally attached and 29 programs not formally attached to the criminal justice system offered restorative justice to address harm following child sexual abuse. All 15 formal programs have been evaluated, but none disaggregate findings by setting in which child sexual abuse occurred. Program effectiveness appears to rely on conditions including specialism,

suitable screening for participants (both victim and perpetrator), use of appropriate experts, and flexibility and responsiveness to participant needs.

Conclusions

Restorative justice practices operating both within and outside the criminal justice system are generally positively received. The review found a shared recognition of the need for specialism in terms of facilitator skills and knowledge and experience. Arguments for and against the use of restorative justice in the area of sexual abuse are also outlined.

A systematic review of the efficacy of specialist police investigative units in responding to child sexual abuse

- Dr Nina Westera, Griffith Criminology Institute, Griffith University
- Dr Elli Darwinkel, School of Psychology, Deakin University
- Professor Martine Powell, School of Psychology, and Director of the Centre for Investigative Interviewing, Deakin University

Objective

To systematically review international literature regarding the efficacy of specialist police investigative units designed to investigate allegations of child sexual abuse, with attention to factors determining effectiveness compared with more traditional methods.

Method

A systematic search strategy using academic databases and grey literature identified 27 relevant publications that were then reviewed.

Findings

The majority of publications reviewed found that specialist investigative units resulted in a more effective police response than traditional methods. The four main categories of improved effectiveness included victim satisfaction, professional stakeholder satisfaction, investigative process and investigation outcomes. Inadequacies in evaluation designs made it difficult to reach clearer conclusions about the efficacy of specialist units.

Conclusions

The evidence suggests that specialist units, particularly those in the form of multi-agency centres, can improve police responsiveness to complainants. More robust evaluation is needed to determine the factors that made these units effective.

Specialist prosecution units and courts: A review of the literature

- Professor Patrick Parkinson AM, University of Sydney

Objective

To review the literature on the potential benefit of using specialist prosecution units and courts to deal with child sexual abuse cases.

Method

A systematic search strategy identified a total of 218 articles and reports. A review was conducted of this literature, with an emphasis on either pre-reform and post-reform comparison, or comparison with a control.

Findings

The review identifies the potential benefits of using specialist prosecution units and courts to deal with child sexual abuse cases. It considers what can be learned about the advantages and disadvantages of specialist courts generally, particularly from family violence courts. No specialist courts were identified that deal specifically with sex offences against children. South Africa and the United States have specialist courts for dealing with sex offences more broadly. Findings relating to the Specialist Sex Offences Unit in Victoria are discussed. The benefits of using specialist courts for dealing with family violence matters are mixed and depend on the extent to which the court is part of a larger coordinated response.

Conclusions

The case for specialist prosecution units is strong, particularly if one prosecutorial team takes a case from inception to conclusion. The case for specialist courts is weaker due to a range of other criminal justice issues that impact on how courts operate more broadly.

A study into the legislative – and related key policy and operational – frameworks for sharing information relating to child sexual abuse in institutional contexts

- Carolyn Adams, Macquarie Law School, Macquarie University
- Krista Lee-Jones, Macquarie Law School, Macquarie University

Objective

To consider the legislative – and related key policy and operational – frameworks for sharing information relating to child sexual abuse in institutional contexts between institutions and across jurisdictions in Australia.

Method

A review of relevant legislation provided by the Royal Commission was supplemented with additional searches using AustLII, relevant agency websites, and academic and grey literature. A doctrinal and comparative analysis was applied to the review.

Findings

Information sharing legislative and policy frameworks are complex because they currently try to balance children's rights to protection against all forms of violence with children and adults' right to privacy. This can result in confusion for those working within these frameworks. How this tension might be overcome in order to support information sharing is discussed. Factors that currently impede information sharing are also discussed including the complexity and fragmentation of the current landscape in Australia.

Conclusions

Systems with multi-institutional teams contribute to improvements in information sharing networks due to the key role of trust and understanding in supporting the confident sharing of information. Other key considerations to support the timely sharing of information in order to better protect children include leadership and effective management and guidance on how and when to share information.

Jury reasoning in joint and separate trials of institutional child sexual abuse: An empirical study

- Professor Jane Goodman-Delahunty, Charles Sturt University
- Professor Annie Cossins, University of New South Wales
- Natalie Martschuk, Charles Sturt University

Objective

To investigate the extent to which joint trials with cross-admissible tendency evidence infringe defendants' rights and the extent to which joint trials pose a risk of unfair prejudice to the defendant.

Method

An experimental jury simulation design to examine the relationship between jury decision-making and trial outcomes in four types of separate and joint trials of alleged child sexual abuse. A total of 1,029 mock jurors participated in the study, randomly allocated to one of 90 mock juries.

Findings

Key themes identified in the jury simulation and discussed include the influence of jurors' pre-trial expectations on decision-making; whether the type of trial influenced reasoning and verdicts; whether joint trials left jurors susceptible to accumulation prejudice; the influence of jury directions and questioning on reasoning and decision-making; cognitive load on mock jurors; and fairness of the trial.

Conclusions

There was little indication that mock juries were susceptible to the 'joinder effect'. There was also no evidence that jury conviction rates were the result of impermissible propensity reasoning. The implications of these findings for the criminal justice system are discussed.

The impact of delayed reporting on the prosecution and outcomes of child sexual abuse

- Professor Judy Cashmore AO, Sydney Law School, University of Sydney
- Dr Alan Taylor, Sydney Law School, University of Sydney
- Associate Professor Rita Shackel, Sydney Law School, University of Sydney
- Professor Patrick Parkinson AM, Sydney Law School, University of Sydney

Objective

The aim of this research is to examine the prosecution process for cases of child sexual abuse that are reported to the police in adulthood (also referred to as historical child sexual abuse) compared with those reported in childhood.

Method

This research uses quantitative and qualitative data to compare prosecution processes and outcomes in matters of child sexual abuse reported in childhood with those reported when the complainant was an adult. New South Wales and South Australia were studied because they were the only states with equivalent statistical analysis bodies that can produce multi-year 'clean' data-sets for both police and court data collections.

Findings

This research found that:

- reports of child sexual assault in New South Wales doubled from 1,274 incidents in 1995 to 3,030 in 2014
- boys and men delay reporting more often and longer than girls and women, and frequently into adulthood

- about 80 percent of reported sexual offences against children are reported in childhood
- In New South Wales, it is more likely that cases of historical child sexual assault with delays up to 20 years will be prosecuted than sexual abuse reported during childhood.

The research also found that the longest delays in reporting occurred when the alleged perpetrator of the abuse was a person in a position of authority (such as teachers, priests or foster carers). This suggests that, particularly for institutional child sexual abuse, it is likely that many reports to police will be made by adults. The research also found that, contrary to expectations, historical matters are more likely to result in a conviction and imprisonment for the offender.

Conclusions

The research findings suggest that:

- many reports of institutional child sexual abuse are likely to be made by adults
- reports made by adults – delayed reports – should not be assumed to have poorer prospects of leading to a prosecution or a conviction when compared with reports made by children
- police responses to reports by adults are important, particularly in relation to institutional child sexual abuse.

An evaluation of how evidence is elicited from complainants of child sexual abuse

- Professor Martine Powell, School of Psychology, and Director of the Centre for Investigative Interviewing, Deakin University
- Dr Nina Westera, Griffith Criminology Institute, Griffith University
- Professor Jane Goodman-Delahunty, School of Psychology and Australian Graduate School of Policing and Security, Charles Sturt University
- Anne Sophie Pichler, Centre for Investigative Interviewing, Deakin University

Objective

To investigate and evaluate the use and effectiveness of measures and guidelines for eliciting accurate and useful evidence from child sexual abuse complainants, including how complainants are questioned when evidence is elicited.

Method

A mixed method approach was used, involving 17 discrete studies. These included interviews and surveys with criminal justice professionals and analysis of a representative sample of prosecution case files, trial transcripts and police video interviews with complainants from three jurisdictions: New South Wales, Victoria and Western Australia.

Findings

Alternative measures to elicit complainants' evidence were being regularly employed with child complainants but less so with adult complainants. The key to the effectiveness of alternative measures was in how they were implemented.

Conclusions

There are five key areas that could be improved to elicit evidence from complainants of child sexual abuse: overcome obstacles to using technology; align police interviews with evidence-based practice guidance; improve quality of courtroom questioning; increase availability of alternative measures to elicit evidence from adult complainants; reduce delays and streamline the prosecution process.

Oversight and regulatory mechanisms aimed at protecting children from sexual abuse: Understanding current evidence of efficacy

- Professor Ben Mathews, Australian Centre for Health Law Research, Queensland University of Technology

Objective

To examine the strengths and weaknesses of existing regulatory and oversight bodies in protecting children from sexual abuse in institutions. The oversight bodies examined included Ombudsman's offices, reportable conduct schemes, children's commissions, community visitor schemes, child advocates and children's guardians, and crime and misconduct commissions. This research also examined regulatory systems across a range of sectors including non-government schools, early childhood and care, the medical sector and sport and recreation.

Method

This research used legal analysis, policy analysis and public health research methods to review and analyse literature for its evaluative purpose.

Findings

Oversight bodies have inconsistent scope and powers in protecting children from sexual abuse in institutions. This research found that there are differences in the presence, nature, scope and powers of oversight bodies across jurisdictions. These differences are due to their different parameters under state and territory legislation and the amount of investment governments put into these bodies.

Conclusions

Australian oversight bodies lack consistency when it comes to their powers to protect children from institutional sexual abuse.

Empirical guidance on the effects of child sexual abuse on memory and complainants' evidence

- Professor Jane Goodman-Delahunty
- Associate Professor Mark Nolan
- Dr Evianne L van Gijn-Grosvenor

Objective

To summarise what is known about how victims remember experiences of abuse, how victims optimally remember their experiences, and how this affects their reporting and the evidence given at trial.

Method

The report was compiled in four phases. First, the results of more than 650 recent empirical studies were summarised in a preliminary draft report. To refine the findings, 23 Australian and New Zealand academics and clinical practitioners with expertise in these matters were invited to provide feedback on the draft report. Third, the key issues were discussed at a public roundtable convened by the Royal Commission. Fourth, the authors consulted the written submissions, feedback forms and transcript of the roundtable proceedings when finalising the report.

Findings

This report updated and extended existing guidance on memory in Australia and internationally by addressing the unique challenges and features of child sexual abuse in general, and institutional child sexual abuse in particular.

The report summarises what victims can be expected to remember about experiences of child sexual abuse, how they can be assisted to optimally remember these experiences, and how this affects their reporting to police and their evidence in legal proceedings.

The report outlines research findings that 'common sense' beliefs about memory, frequently held by police, lawyers, judges, juries and laypeople, did not correspond with scientific knowledge about memory. The research identifies a number of misconceptions that people hold about how memory works, and what memories are reliable. It reports that misconceptions about memory include that memory will be complete, unchanging and 'photographic'. There are also misconceptions about the accuracy of people's memory.

Conclusions

The research and its accompanying standalone summary of guidance on memory in cases of child sexual abuse provide an empirical basis to assist police, courts, legal professionals and juries to evaluate memories of child sexual abuse.

Police responses to child sexual abuse 2010-14: An analysis of administrative data for the Royal Commission into Institutional Responses to Child Sexual Abuse

- Associate Professor Anna Ferrante, Curtin University
- Dr Joe Clare, Curtin University
- Sean Randall, Curtin University
- Associate Professor James Boyd, Curtin University

Objective

This research aimed to identify and understand police responses to child sexual abuse through analysing administrative data. More specifically, this research sought to:

- identify how police proceed when they receive notifications or reports of child sexual abuse
- determine what level of attrition occurs between notifications or reports of child sexual abuse and final disposition of cases by police
- identify if and where police may apply discretion during the response process.

Method

Administrative data was obtained on all actual and alleged incidents of child sexual abuse reported to police in each Australian state and territory from 1 January 2010 to 31 December 2014. The data included the time and place of each incident, the nature of the actual or alleged offence, the victim and their relationship to the offender, information about the offender(s) or alleged offender(s), and details about the processing and outcome of each incident or case.

Results

The research found large inter-jurisdictional variations in the volume and characteristics of reported child sexual abuse and in the outcomes of police investigations. The following variations were of most interest:

- Police in New South Wales and Queensland receive, record and respond to more incidents of child sexual abuse per 1,000 persons than other police jurisdictions.
- Historical cases, which were defined as those where the reporting date was 12 months or more after the date of the incident, constitute a significant proportion of reports in Victoria (45 per cent), Tasmania (37 per cent) and South Australia (36 per cent), while comprising just seven per cent of child sexual abuse cases reported to police in Western Australia.
- Offence severity varies between jurisdictions, for instance less serious offences (non-assaultive sex offences) comprise almost one-quarter of all cases reported to police in New South Wales, South Australia and Queensland, while they constitute fewer than one in 10 cases reported in other jurisdictions.

Conclusions

Inter-jurisdictional variations in reported crime are a recognised issue in Australia. Differing reporting rates, counting rules, recording practices, policing methods, and legislative and regulatory frameworks – including different protocols on whether reports are made directly to police or other agencies (such as child protection agencies) – all play a role in accounting for variations that exist between jurisdictions in relation to the numbers of reports received, finalisation outcomes and the time taken for reports to be finalised.

6. Treatment and support needs

Family relationships and the disclosure of institutional child sexual abuse

- Dr Antonia Quadara, Australian Institute of Family Studies
- Mary Stathopoulos, Australian Institute of Family Studies
- Dr Rachel Carson, Australian Institute of Family Studies

Objective

To explore the effect that disclosure of institutional child sexual abuse has on survivors and their families, in particular survivor decisions to disclose to family members, initial responses to disclosure by family members, long-term impact of disclosure on survivors and family members, and survivor recovery.

Method

50 in-depth interviews were conducted with victims/survivors of institutional child sexual abuse and family members involving 33 unique family units, nine of which involved multiple family members. Data underwent qualitative analysis to identify key themes.

Findings

- Survivor decision to disclose to family members: barriers to disclosure included a range of individual, family, interpersonal and situational factors. Many adult disclosures were associated with a crisis in a survivor's life, including at key life transition points.
- Initial responses to disclosure by family members: the interplay between the historical time period in which the disclosure occurred and the role of the institution in the family's life was more influential in how family members responded than family relationships per se.
- Long-term impact of disclosure on survivors and family members: a key influence was the nature of the relationship between the survivor and individual family members rather than family dynamics per se; these were key to shaping support provided to the survivor in the family.

- Survivor recovery: family members' positive responses and support for a survivor did not do more harm to the survivor, but did not ameliorate or mitigate the negative effects of sexual abuse or the impact of negative institutional, service or social responses to the survivor generally.

Conclusions

Disclosure is a relational process between people involving the relationship and interaction between a survivor and a family member as well as interaction between family dynamics and structure, the role of the institution, and the social and cultural context in which disclosure occurs. Understanding these interactions facilitates understanding of the important role support services can play in assisting families; existing service systems appear to have inconsistent understandings of the nature and impact of child sexual abuse, including in institutional contexts.

Service and support needs of specific population groups that have experienced child sexual abuse

- Associate Professor Jan Breckenridge, Gendered Violence Research Network, University of New South Wales
- Gabrielle Flax, Gendered Violence Research Network, University of New South Wales

Objective

To review existing research literature on service and support needs of three specific population groups impacted by institutional child sexual abuse, with attention to the effectiveness of interventions targeting these groups: people who have experienced child sexual abuse in an institutional context; Aboriginal and Torres Strait Islander people; and people with disability.

Method

A review was conducted of peer-reviewed and grey literature sourced from academic databases, and government and non-government websites. Studies were screened for inclusion against criteria adapted from the Critical Appraisal Skills Programme (CASP) checklist.

Findings

- People who have experienced child sexual abuse in an institutional context: support service needs varied depending on whether sexual abuse occurred in a residential or non-residential institutional context. Given evidence of positive links between victims in non-residential institutions and their families, support services should include family members as well as victims.
- Aboriginal and Torres Strait Islander people: victims of child sexual abuse in these communities need support services that recognise the central importance of extended family and community relationships as well as acknowledgement of the complex histories of Aboriginal and Torres Strait Islander communities.

- People with disability: victims of child sexual abuse in this group risk ‘falling between disciplinary gaps’ because practitioners are either disability or child sexual assault specialists, but neither understands the intersecting needs of this group. Victims in this group also risk being ‘referred on’ from a range of practitioners without having their support needs adequately addressed.

Conclusions

It is not possible to develop a single best practice response that can fully address the needs of these different groups of victims. There is a gap in the evidence base that remains a challenge despite promising practices that are starting to emerge.

Principles of trauma-informed approaches to child sexual abuse: A discussion paper

- Dr Antonia Quadara, Australian Institute of Family Studies
- Cathryn Hunter, Australian Institute of Family Studies

Objective

To provide an overview of the emergence of trauma-informed care both in Australian and international service contexts; to clarify key concepts based on available research and analyse the way in which the concept of trauma-informed care is being implemented in practice.

Method

A key-word search of a number of identified databases was undertaken. Research was restricted to peer-reviewed material that was published in English. Additional grey literature searches were also undertaken using Google and the Australian Institute of Family Studies catalogue.

Findings

There has been a growing interest in trauma-informed approaches to service delivery in health, community and human services in Australia. While there are variations in the key principles that underpin trauma-informed care, the meanings are fairly consistent. There are variations in the way it is being implemented; however, at the client level, research suggests that trauma-integrated interventions can have a positive impact on symptoms of trauma. More research and evaluation is needed to demonstrate system-level outcomes.

Conclusions

To support the commitment to improving service responses to people with trauma histories, next steps involve developing the service infrastructure to make trauma-informed care a sustainable practice.

Pathways to support services for victim/survivors of child sexual abuse and their families

- Dr Antonia Quadara, Australian Institute of Family Studies
- Mary Stathopoulos, Australian Institute of Family Studies
- Rachel Carson, Australian Institute of Family Studies
- Serpil Bilgic, Australian Institute of Family Studies
- Rae Kaspiew, Australian Institute of Family Studies
- Helena Romaniuk, Australian Institute of Family Studies
- Briony Horsfall, Australian Institute of Family Studies
- Jessie Dunstan, Australian Institute of Family Studies

Objective

To explore how victims/survivors of child sexual abuse (and secondary victims) navigate pathways to relevant and helpful support services including:

- identifying the different pathways to support services for victims/survivors of child sexual abuse in institutional and other extra-familial contexts
- identifying the barriers to, and facilitators for, accessing support services.

Method

The project included qualitative and quantitative data collection through a mixed-methods approach including a survey of adult victims/survivors and parents/carers (311 responses included in sample), semi-structured interviews with adult victims/survivors and parents/carers (seven individual interviews), and group interviews with practitioners who provide therapeutic and non-therapeutic services (six group interviews with 30 individuals).

Findings

Victims/survivors nominated a constellation of key services at different help-seeking points. The report noted three key factors that influence pathways to support services: the availability of support services, personal readiness, and approachability/supportiveness of staff members.

Conclusions

The report suggests:

- the need to increase awareness, knowledge and capability of both formal and informal supports about child sexual abuse, its impacts, and what basic support victims/survivors may require
- the need for innovations in service provision to better match service availability and design with context and circumstance of victims
- the need for innovations in systems design, implementation and evaluation.

Impacts of institutional child sexual abuse on victims/survivors: A rapid review of research findings

- Dr Tamara Blakemore, Australian Centre for Child Protection, University of South Australia
- Dr James Leslie Herbert, Australian Centre for Child Protection, University of South Australia
- Professor Fiona Arney, Australian Centre for Child Protection, University of South Australia
- Ms Samantha Parkinson, Australian Centre for Child Protection, University of South Australia

Objective

A rapid review of available evidence on the impact of institutional child sexual abuse on victims.

Method

A two-stage rapid search strategy was used to identify literature for review presented in this report. Firstly, a database search was conducted to identify English-language studies reporting on the impacts of institutional child sexual abuse. For comparative purposes, a second literature search set out to identify and locate research describing the impacts of child sexual abuse generally.

Findings

Like intra-familial and (other) extra-familial child sexual abuse, institutional abuse has deleterious impacts for victims/survivors. Although institutional child sexual abuse is often categorised as a type of extra-familial abuse, it shares many characteristics with intra-familial child sexual abuse in terms of chronicity, severity and relational aspects of powerlessness, betrayal and isolation from others. Like child sexual abuse in other settings, the impact of institutional abuse may be moderated by individual, abuse-specific and situational factors.

Conclusions

Victims/survivors of child sexual abuse, irrespective of abuse setting, are at increased risk for psychological problems, including psychiatric diagnoses of depression, anxiety, post-traumatic stress disorder, and alcohol and substance abuse disorders, with some evidence of increased likelihood of poor outcomes for those abused in institutional settings.

Capturing practice knowledge from the Royal Commission support model

- Claire Greal, Urbis
- Joanna Farmer, Urbis
- Karen Milward, Advisor
- Morag McArthur, Advisor

Objective

To capture the practice knowledge the Royal Commission and other relevant providers of support services gained about how to better support victims and survivors, including secondary victims, of child sexual abuse in institutional contexts.

Method

Primary research with the two target groups (the Royal Commission Counselling and Support team and staff at the Royal Commission Intake and Support Service provided by Medibank Health Solutions; and community-based services funded by the Australian Government to support people affected by the Royal Commission).

Findings

Practitioners with experience working with survivors of child sexual abuse reflected that the approach to supporting victims/survivors of child sexual abuse in institutional contexts or individuals who have contacted the Royal Commission was not necessarily different to their general practice. However, they noted that the context of institutional abuse can compound harmful factors, which can expose victims/survivors to repeated trauma, leading to complex trauma.

Conclusions

Practitioners noted that, while they believed the Royal Commission has been effective in supporting victims/survivors to tell their stories, many people are likely to require affordable access to ongoing support beyond the lifetime of the Royal Commission. The ongoing need for support will have workforce implications, particularly as victims/survivors are more effectively identified in mainstream health and wellbeing services, as well as justice and mental health settings. Practitioners believed that more demand was likely to arise for long-term support that blends recovery-focused therapy and, for some, long-term casework.

Rapid evidence review on the availability, modality and effectiveness of psychosocial support services for child and adult victims and survivors of child sexual abuse

- Professor Aron Shlonsky, School of Health Sciences, University of Melbourne
- Bianca Albers, School of Health Sciences, University of Melbourne
- Nicole Paterson, School of Health Sciences, University of Melbourne

Objective

To find out what existing research and other evidence tell us about the availability, modality, duration and effectiveness of existing specialist support services for child victims and adult survivors of child sexual abuse.

Method

Systematic review methods were used to locate and synthesise information from 18 high-quality evidence appraisals (both systematic reviews and meta-analyses) that rigorously examined the effectiveness of treatment for child victims and adult survivors.

Findings

The research found that for adult survivors of child sexual abuse there is evidence of large and substantial clinical gains being made from cognitive behavioural therapy (CBT). These gains are particularly high when CBT is delivered individually, or when this individual treatment is combined with a group-based approach. For child or adolescent victims of child sexual assault, trauma-focused cognitive behavioural therapy (TF-CBT) saw reductions in trauma-related symptoms and internalising symptoms (such as depression and anxiety). The research found that the best way to deliver TF-CBT is through individual treatment, or through a family-based approach that includes family members of the victim. The research also highlighted that there are other forms of support available for adult survivors (such as supportive counselling and eye movement desensitisation and reprocessing therapy), but that these forms of support have less evidence.

Conclusions

This research indicates that cognitive behavioural approaches should be made widely available to adult survivors and child and adolescent victims who are experiencing symptoms as a result of their experience of abuse. In particular, a trauma-informed approach appears to be most beneficial for adults, children and adolescents.

The research states that, while CBT has the strongest evidence base, a client may not like this approach or may have found that it did not work for them. In such instances, this research encourages clients to try another treatment approach. The research argues that involving a client in their own treatment choices is likely to improve their engagement with treatment and, ultimately, the outcomes they obtain from it.⁷ Institutions of interest

7. Institutions of interest

No external publications.

8. Ensuring a positive impact

Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse

- Parenting Research Centre

Objective

To evaluate the extent to which recommendations of previous inquiries of relevance to the Royal Commission have been implemented, with attention to discussion of factors that have facilitated or hindered successful implementation.

Method

A mixed-methods approach was used including an audit of the implementation status of recommendations of previous inquiries, complemented with surveys and interviews of key stakeholders involved in the implementation of those recommendations. A thematic analysis of these data described the extent to which recommendations were implemented against a four-point rating scale (in full; partially; not implemented; undetermined). A total of 288 recommendations from 67 previous inquiries underwent analysis.

Results

Sixty-four per cent of recommendations were implemented either in full or partially. A further 21 per cent were not implemented, and the status of 14 per cent of recommendations could not be determined. Of those recommendations that had not been implemented, 39 per cent were in progress or under consideration. Factors affecting the successful implementation of recommendations are discussed.

Conclusions

Stakeholder engagement is critical to formulate acceptable reform and to ensure commitment to implementation of recommendations.

Implementation best practice: A rapid evidence assessment

- Bianca Albers, Parenting Research Centre
- Robyn Mildon, Parenting Research Centre

Objective

To develop an understanding of current evidence regarding best practice in implementation of programs, policies or practices, with attention to preventing and improving responses to institutional child sexual abuse.

Method

A rapid evidence assessment was conducted using a systematic search of 12 academic databases and 24 key organisation websites. Using identified inclusion criteria, a total of 152 papers were reviewed, identifying 39 different implementation frameworks. These papers were analysed using a narrative synthesis.

Findings

The narrative synthesis suggested that, while evidence regarding the effectiveness of implementation frameworks was limited, implementation itself was considered important. Good implementation requires considered planning and attention to the competencies of staff and organisations. The best implementation takes place in stages, recognising the time it takes to implement change.

Conclusions

Factors considered essential for organisations in ensuring best practice in the implementation process include needs and readiness assessments, using a mix of implementation strategies, ensuring adequate resourcing, including infrastructure, and adequate levels of engagement.

Appendix G Supporting staff wellbeing

Our wellbeing program – Well at Work

Our staff worked in a challenging environment. Commissioners and many Royal Commission staff members had high exposure to disturbing information and personal accounts of child sexual abuse. Exposure to such materials, particularly over extended periods of time, can have significant impact on staff, including the risk of vicarious trauma. We considered this a potential risk to the wellbeing of staff and our ability to complete our task.

In an attempt to mitigate this risk, we developed a comprehensive staff support framework, called Well at Work, that helped staff to build resilience and recognise the early signs of vicarious trauma, and provided appropriate strategies and activities to manage wellbeing.

Supporting staff wellbeing

Delivering on our Terms of Reference inevitably required our staff to engage with disturbing information and personal accounts of child sexual abuse. We had a duty of care towards our staff and recognised the need for a program to support their wellbeing. Staff and Commissioners working on private sessions and case studies were perhaps the most exposed to traumatic material, but all staff were impacted in some way by virtue of working at a commission inquiring into the sexual abuse of children. To deliver on our Terms of Reference, we needed staff from a wide range of disciplines with a diverse range of skill sets. This also meant our staff had different levels of experience in dealing with trauma-related issues.

The nature of our work presented three main types of risks to staff:

Vicarious trauma	Vicarious trauma describes the internal changes that can occur for a worker who is engaged with survivors of trauma and their trauma material. A person does not have to experience the trauma directly themselves, but could be exposed through contact with survivors of abuse, written material with trauma content or hearing stories of abuse. The cumulative effects of this exposure need to be acknowledged, identified and managed. The impacts can mirror those of the person who experienced the trauma, including sleep disturbance, intrusive and distressing memories and sensory experiences.
-------------------------	--

Compassion fatigue	Compassion fatigue is the exhaustion experienced as a result of engaging with and listening deeply to trauma survivors and their stories. Common signs include irritability, depression, numbing, withdrawal and avoidance. It relates to the 'here and now' aspects of our work. We knew that many staff were likely to experience compassion fatigue at various times during their work with the Commission, as they would be engaged intensively with victims and their stories.
Workplace stress common to high-pressure environments	By nature, royal commissions are fast-paced environments, with a high volume of work and tight timeframes. Expectations and goals can change as issues are identified and explored. In addition, our staff came from a variety of professional backgrounds. Staff were required to cope with the tensions that sometimes arise from a multi-disciplinary workforce with differing workplace cultures.

Aims and objectives of Well at Work

The broad aims of the Well at Work program were to:

- provide a comprehensive framework to support staff to manage their wellbeing, and in so doing, build and retain an engaged and resilient workforce
- create a positive work culture, while recognising high workloads and the levels of exposure staff had to traumatic material and stories
- promote positive health and wellbeing practices within the workplace by offering staff a program that could be customised to suit their diverse needs and interests.

Staff support

Well at Work consisted of a number of elements that helped staff build resilience and recognise the early signs of vicarious trauma and workplace stress, and provided appropriate activities and strategies to support wellbeing.

With our diverse staff profile it was important to provide a range of different supports and activities to staff, as what worked to build resilience differed among individuals. Support such as the bi-monthly wellbeing checks was mandatory for everyone working at the Commission. In-house debriefing sessions and training were made available to staff to raise awareness of the importance of identifying and managing vicarious trauma, compassion fatigue and workplace stress.

Wellbeing checks

Wellbeing checks provided an opportunity for staff to speak freely and confidentially to an experienced wellbeing counsellor about anything that affected their wellbeing, including the impact of the work on their personal health, sleep, anxiety levels etc. The aim was also to encourage staff to engage in activities that would manage their stress levels, to maintain a healthy lifestyle. The link between healthy lifestyle and mental health and wellbeing was emphasised.

Staff were asked to complete a short online survey at least 24 hours before each wellbeing check covering issues such as sleeping, coping and irritability. These surveys gave wellbeing counsellors the opportunity to discuss any concerns raised in the survey. They were standardised surveys widely used by clinicians in the field to assess wellbeing.

The model used for these checks evolved over time to better meet staff needs. Following staff evaluations of the program, a focus on resilience was seen as most effective. Accordingly, there were close linkages between the wellbeing checks and the other Well at Work initiatives offered by the Commission.

While individual conversations between staff and wellbeing counsellors were confidential, the Commission's wellbeing service provider was contracted to provide a report on common themes and trends at both branch and organisation-wide level. This information was aggregated and de-identified and reported every two months to our executive team. It informed the range of activities we offered to build resilience and general wellbeing, informed our management of staff and helped identify issues needing attention within the Commission.

This program was extended in 2015 to include wellbeing departure checks. This acknowledged that exposure to traumatic material affects people in different ways and at different times, and allowed staff leaving the Royal Commission to continue to access counselling and support to assist them to transition to life following their exposure to traumatic material. The wellbeing departure check had a different focus from regular wellbeing checks in that it was a customised check to help staff identify and address any future symptoms of vicarious trauma, stress or burnout.

A wellbeing counsellor would contact staff in the month immediately following their departure from the Commission. Staff were also given a card that had the contact details of the counselling provider and were advised they could make contact at any time prior to the conclusion of the Royal Commission on 15 December 2017.

In-house peer support and debriefing

In addition to their work with survivors, our 'in-house' team of counsellors were also available to staff for immediate confidential, individual 'on the spot' debriefing in response to challenging situations staff were facing. This was provided in both formal and informal settings, and where specific teams required debriefing. This was particularly useful for staff dealing with exposure to traumatic material in various case studies.

Staff training on vicarious trauma and resilience

Staff were required to undertake vicarious trauma training annually. Training built knowledge about vicarious trauma and resilience so that staff were aware of the potential for trauma to affect their wellbeing. In conjunction with wellbeing checks, the training sought to normalise the impact of being exposed to traumatic material and working with people who have experienced trauma, providing staff with strategies to identify and mitigate the impact of vicarious trauma on their wellbeing. It also sought to build an understanding among staff of workplace stresses and of healthy and unhealthy stress levels and assisted staff to develop strategies to manage these.

There were two levels of the training: one for staff exposed to trauma material, including direct work with survivors (high); and another for staff who have little or no contact with trauma material or survivors (low). The lower intensity training was offered in acknowledgement that staff have different thresholds for coping with exposure to traumatic material, and it is possible to be affected by vicarious trauma even with relatively low-level exposure. This also acknowledged the impacts of a high-pressure environment on all staff.

We also provided other specialised training focusing on building staff skills and knowledge, particularly on working with clients with challenging behaviours and expectations, on responding to people with complex trauma impacts, and on issues of child safety for staff working at the Commission. Staff with children sometimes needed assistance in coming to terms with the subject matter on which we worked. The training provided information on children's normalised sexualised behaviours, whether it is helpful to teach children protective behaviours, how to talk to children about child sexual abuse without scaring them, and online safety issues. This kind of specialised training was offered periodically and on demand.

Wellbeing activities

Well at Work activities focused on improving health and wellbeing and building resilience, an important factor in coping with the challenges we faced. Growing evidence around the health risks associated with a sedentary lifestyle combined with workplace stress in this high-pressure environment also highlighted the need for a broad range of activities to target both physical and mental health aspects of wellbeing.

We acknowledged that staff would engage more readily in the program if they had options and choice about how to manage their wellbeing. For this reason, staff could pick and choose from activities (both subsidised and individually funded) depending on their needs and interests. The program evolved and adapted as the Commission's workforce grew and then wound down, and the needs of staff changed over time. Activities were also selected based on staff feedback and the success of each activity offered.

Key features of Well at Work

Leadership was essential to overcoming reluctance and resistance

Conscious that some might view active participation in the program as a sign of ‘weakness’ and therefore stigmatising, the executive team took an active role in building an organisational culture where maintaining staff wellbeing was a non-negotiable element of leading a high-performing organisation. Staff planning days included sessions on why it was important to ‘check in on yourself’ and how the wellbeing program could help. The executive team routinely participated in Well at Work activities and openly discussed how they managed their own wellbeing and built resilience. Staff understood that their participation was encouraged. The program was enhanced continually, based on their feedback. This signalled the executive’s real commitment to their wellbeing. Team leaders were also given training in preventing, managing and dealing with workplace stress and vicarious trauma in their teams.

Being responsive to staff needs

Regular monitoring and evaluation was essential to understanding the success and effectiveness of the Well at Work program and whether resources were being directed to appropriate initiatives.

Staff satisfaction with the program was regularly tested through surveys, evaluations, staff exit interviews and other feedback sessions. Additionally, de-identified information from the wellbeing checks was used to provide the executive team with regular snapshots of emerging issues and trends in staff wellbeing. Wellbeing activities were then tailored to meet these emerging issues. For example, the issue of sleep emerged among staff, and a sleep expert was invited to give a presentation on this topic.

Staff take responsibility for their own wellbeing

The key to a successful wellbeing program is for staff to recognise the value of it and take responsibility for their own wellbeing. Through the wellbeing checks, staff were encouraged to identify what kinds of activities helped them to manage their stressors and commit to engaging in such activities. This was in recognition that every individual responds differently to stress and finds different activities useful in managing their stress levels. A wide variety of activities were offered to build resilience based on staff and counsellor feedback about what was most useful and to address barriers to participation.

An integrated approach works best

Well at Work included both clinical elements, such as the wellbeing checks, and a range of wellbeing activities that focused on exercise, learning, healthy eating and ‘giving back’. We integrated both elements into the program to allow a greater focus on ‘vicarious resilience’, which recognises how workers strengthen their own wellbeing by learning from survivors’ resilience. This led to a focus on the strengths of individuals and how they can be assisted to manage their stress.

Appendix H Staff of the Office of the Royal Commission

Counsel Assisting appointed by the Commonwealth Attorney-General who appeared at a Royal Commission hearing

Surname	First Name
Furness SC	Gail
Barrow	David
Beckett	Simeon
Bennett	Hayley
David SC	Sophie
Dwyer	Peggy
Ellicott	Madeleine
Free	Stephen
Gerace	Maria
Kirk SC	Jeremy
Lloyd	David
Lucy	Juliet
Naylor	Andrew
Sharp	Naomi
Spruce	Caroline
Stewart SC	Angus

Staff of the Office of the Royal Commission

Surname	First Name
Abbott	Nathan
Abela	Donna
Adami	Ulrich
Adams	Kathryn
Adams	Jenna
Aguilar-Guerrero	Karla
Ahumada Vidal	Michelle
Aielli	Sabina
Aitchison	Simon
Alexander	Anne
Allen	David
Allen	Catherine
Alston	Bruce
Amundsen	Louise
Anderson	Ross
Anderson	Andrew
Andrews	Cassandra
Andrews Zucker	Gina
Anker	David
Annakin	Lindy
Anthony	David
Argent	Angela
Aroney	Fiona
Arrebola	Mark
Ashford	Kelly
Ashworth	Lauren
Ashworth	Matthew
Atkinson	Mark
Bailey	Deb
Baine	Anthony
Baker	Ruth
Baker	Jennifer
Baldan	Fabienne

Surname	First Name
Barnes	Matthew
Barnes	Kathryn
Barrett	Timothy
Bassett	Michelle
Baxter	Elizabeth
Beange	Louise
Beaumont	Kieran
Bechara	Adele
Begbie	Carmen
Begum	Momina
Bell	Erin
Bell	Emily
Benham	Alex
Benson	Loren
Berglund	Catherine
Beshara	Chris
Beshay	Hany
Best	Roderick
Bevan	Karen
Bienvenue	Marcella
Billinghurst	Hayley
Bingard	Michael
Birch	Peter
Birrell	John
Bishop	Genevieve
Bishop	Sarah
Blair	Joanna
Blyth	Julie
Boer Cueva	Alba
Bokulic	Fiona
Bolger	Daniel
Bonner	Michelle
Boorman	Greg

Surname	First Name
Borg	Anna
Bozym	Izabela
Bradley	Louise
Bradshaw	Anna
Brand	Melissa
Branton	Linda
Brash	Andrea
Brennan	Joanne
Brice	Elizabeth
Bromfield	Leah
Bronson	Jack
Brookes	Miranda
Brosnan	Jack
Brown	Luke
Bryan	Mark
Bugueno	Vanessa
Burford	Misel
Burnett	Samuel
Busteed	Kirsten
Butler	Madeleine
Buttel	Tracey
Buxton	Claire
Byron	Richard
Cakic	Milan
Calvert	Katie
Calvey	Katie
Cameron	Brydie
Camporeale	Enzo
Cansdell	Charlotte
Carew	Patrick
Carlin	Claire
Carter	Sarah
Cefai	Brooke

Surname	First Name
Chan	Summer
Chan	Carrie
Chan	Maria
Chan	Sharni
Chapman	Alisha
Chappell	Alexandra
Chapple	Ellen
Charafeddine	Fay
Charters	Sarah
Cheng	Jennifer
Choucair	Molly
Choy	Gemma
Christensen	Amanda
Christey	Matthew
Christmann	Marianne
Claremont	Meredith
Claveria	Claudia
Coe	Edie
Coles	Donald
Collett	Emily
Connolly	Elizabeth
Connor	Tim
Connors	Kathleen
Cook	James
Cooke	Jennifer
Cope	Deborah
Copeland	Samantha
Corcoran	Joann
Corcoran	John
Cormican	Kate
Cornwall	Jennifer
Cosenza	Isabella
Cotton	Catriona

Surname	First Name
Cramsie	David
Crawford	Ryan
Crawshaw	Robert
Crawshaw	Sally
Crisford	Claire
Crittenden	Stephen
Crouch	Thomas
Csoma	Vicki
Culkin	Melanie
Culnane	Anne-Maree
Cunliffe	Jancis
Curtis	Matthew
Cusack	Simone
Cutmore	Cheryl
Dallas	Mazoori
Dan	Alice
Dare	Andrew
Dargan	Louise
Davidson	Lorna
Davies	Catherine
Davis	Sally
Dawson	Janet
Day	Benjamin
Dayoan	Rouel
De Fina	Deborah
De Silva	Sam
Dean	Bradley
Deane	Rachel
Delahunty	Brendan
Dench	Amanda
Dennis	Maureen
Desai	Bharti
Deukmedjian	Maral

Surname	First Name
Dillon	Sarah
Dines	Janette
Dinning	Brooke
Dobinson	Sarah
Dodd	Rhonda
Doherty	Karen
Doraisamy	Jerome
Dorizas	Angela
D'Ortenzio	Rosa
Downes	Alexander
Dowsett	Mark
Doyle	Gabrielle
Doyle	Amy
Doyle	Amber
Dressler	Davina
Drummond	Deirdre
Duncan	Karen
Dunlop	Rochelle
Duong	Vivian
Dupavillon	Simone
Dymond	Jennifer
Eberl	Dominic
Else	Katie
Erbacher	Gabrielle
Evans	Michaela
Ewart	Katelyn
Fabri	Daniel
Fabri	Adam
Fairbrother	Luke
Farrelly	Peter
Fernando	Salome
Ferrari	Ebonie
Fetherston	Yvonne

Surname	First Name
Fish	Ali
Fisher	Asaf
Fittler	Rose
Fitzpatrick	Clare
Fletcher	Kate
Fletcher	Marija
Flockhart	Angela
Flynn	Rebecca
Fogarty	Ellie
Foley	Madeleine
Folta	Paige
Fong	Lauren
Forte	Anna
Forward	Michelle
Francis	Lisa
Francis	Lauren
Fraser	Michelle
Frecheville	Neva
French	Alison
Frost	Robert
Gallagher	Samantha
Gallard	Alison
Gamble	Amanda
Garred	Stacie
Gawidziel	Kate
Gerhard	Nicholas
Gerritsen	Elinore
Gervink	Emma
Ghotra	Jatinder
Gibson	Laura
Gibson	Wendy
Gilbert	Lawrence
Gill	Ellie

Surname	First Name
Gillett	Cherie
Gillies	Melissa
Giugni	Tony
Gliddon	Ross
Gonzalez	Paula
Goodwin	Alexis
Gordon	Charlotte
Gown	Grace
Graney	Fiona
Grant	Christopher
Gray	Shannon
Green	Philippa
Green	Wendy
Griffith	Amanda
Griffith	Suzanne
Grimsley-Ballard	Sally
Grocott	Suzanne
Grundy	Barbara
Gunawardhana	Anisha
Hagger	Meredith
Hahn	Stacey
Hakelis	Robyn
Hamer	Jennifer
Hampton	Gary
Hancock	Sharon
Hardy	Suzana
Hargraeves	Desley
Harris	Martin
Hart	Philip
Hawker	Clara
Hawkshaw	Christopher
Haydon	Sally
Headon	Victoria

Surname	First Name
Heintze	Tess
Hewett	Rosalind
Hill	Elizabeth
Hodge	Jennifer
Hodges	Ainsley
Holdem	Felicity
Holland	Chris
Holloway	Amanda
Hong	Helen
Hou	Jia
Houlahan	Lynn
Howard	Ella
Huddleston	Mark
Hudson	Eric
Hughes	Vicki
Hume	Nicholas
Humphries	Susan
Hutchinson	Sian
Huynh	Linda
Hyde	Daniel
Idle	Jan
Irani	Freyana
Isaacson	Nicole
Jackson-Morison	Phoebe
Jacques	Oliver
James	Carolyn
James	Christine
Jarrett	Carmen
Jayamanne	Shalini
Jayasekara	Sonali
Jensz	Adrian
Jetson	Claire
Johnson	Annabel

Surname	First Name
Johnstone	Mark
Jones	Angela
Jones	Luke
Jordan	Matthew
Joseph	Samantha
Kailasanathan	Anusha
Kallipolitis	Angelo
Karunaarchchi	Malithi
Kaur	Daljit
Kazzi	Charbel
Keating	Nicole
Kelly	Melinda
Kelly	Rhonda-Marie
Khoo	Timothy
Kim	Sonya
Kim	Aaron
Kingsland	Liliana
Kinnane	Canice
Klubis	Andrei
Kobayashi	Atsushi
Koh	Emma
Kontominas	Bellinda
Kozlowski	Christina
Krakowski	Jodie
Krishnan	Arun
Krishnan	Ramya
Kriticos	David
Kukoc	Katya
Lackinger	Carmen
Lah	Amy
Lakajev	Katarina
Lall	Monty
Lander	Cameron

Surname	First Name
Lang	Rebecca
Langtry	Jason
Lappan	Martine
Latimore	Darren
Lau	Sean
Laurence	Jennifer
Lawson	Cara
Le Breton	Suzanne
Lee	Cassie
Lee	Jonathan
Lee	Yooree
Leung	Angela
Levett	Simon
Lewandowski	Melissa
Lewis	Sue
Liaropoulos	Corinne
Liney	Jenny
Liu	Geoffrey
Livingstone	Annie
Llewelyn	Katie
Long	Alison
Lonsdale	Sarah
Loong	Mark
Lord	Anna
Lorens	Cheryl
Lucchese	Alanna
Lynch	Cathrine
Mabbitt	Nicholas
MacDougall	Andrew
Mackay	Joanne
Macleod	Helen
Macris	Georgie
Magdalena	Renee

Surname	First Name
Maiya	Latha
Maldon-Myers	Chantel
Malins	Patricia
Malone	Tarja
Malone	Kate
Malthouse	Rachel
Manickam	Saritha
Manna	Frances
Mannile	Anne-Marie
Manns	Rose-Anne
Marchetta	Ilona
Martin	Kara Lee
Martinez	Karen
Mason	Jennifer
Matejic	Katrina
Mathot	Lynn
Matruglio	Tania
Matterson	Georgia
Matthews	Tim
Matthews	Sibella
Maywald	Catherine
Mazoori	Dallas
Mazzitelli	Alf
McBride	Bernadette
McCaffrey	Molly
McClelland	Andrew
McClymont	Alison
McDermott	Louise
McDonald	Christine
McDonald	Laura
McGaghey	Luke
McGavin	Martin
McGuinness	Katherine

Surname	First Name
McIntyre	Beth
McIntyre	Kajhal
McIntyre	Felix
McKey	Maryvonne
McLaren	Kate
McLean	Mary
McLean	Sallie
McNair	Andrea
McNamara	Beth
McQueen	Timothy
McVicar	Becky
Mealey	Callum
Meatheringham	Nicholas
Meere	Peter
Melhem	Maha
Melville	Ruth
Merity	Alexandra
Michels	Geoff
Miller	Susan
Miller	Eleanor
Miller	Robyn
Millers	Vanessa
Millikan	Hamish
Moffat	Tamara
Molloy	John
Moody	Trevor
Morgan	Ruth
Morrison	Lesley
Morrison	Sarah
Moss	Rachel
Moussa	Nouha
Mtango	Sifa
Muir	Bronwyn

Surname	First Name
Murphy	Kendra
Murphy	Jenny
Muscatt	Daniel
Musgrove	Hailey
Nadj	Natasha
Nahlous	Maha
Nair	Gayatri
Nanson	Angela
Napper	Shelley
Neamat	Mozhda
Newell	Susan
Newling	Pip
Newton	Elise
Ng	Kenny
Ng	Miranda
Ng	Likim
Ng	Lui Yan (Beverly)
Ng	Simon
Nguyen	Jessica
Nguyen	Martin
Nicholas	Lisa
Nichols	Julia
Nicholson	Rheannon
Nitschke	Linda
Nolan	Petra
Nona	Ashoor
O'Callaghan	Amy
O'Callaghan	Megan
Oconer	Bryan
O'Connor	Brigid
O'Donohue	Samantha
Olsen-Boyd	Amelia
O'Mahony	Kerry

Surname	First Name
Ong	Nicholas
Oram	Amy
O'Rourke	Con
Oskouie	Milad
Paine	Michelle
Pal	Picorelli
Pallos	Tamara
Pan	Vincent
Papadopoulos	Upasana
Parry	Naomi
Partridge	Todd
Pastor	Vivienne
Patrick	Steven
Payne	Simone
Peel	Sara
Pender	James
Perris	Shane
Pezdiric	Kylie
Pitts	Claudia
Plumb	Julia
Pollock	Katie
Poole	Gemma
Pope	Debra
Poukchanski	Anya
Power	William
Pradhan	Deepa
Preece	Moya
Price	Helen
Price	Jesse
Prichard	Rebecca
Prichard	Zoe
Proudlock	Sandra
Pucella	Fabian

Surname	First Name
Purser	Nadia
Pythagoras	Athena
Raetz	Gabriella
Raffan	Kirstie
Ragupathy	Laila
Raj	Prishika
Rake	Stephanie
Ralph	Francine
Randall	Tom
Randerson	Sophie
Rao	Nita
Rasmussen	Margaret
Ratnasingham	Christine
Redmond	Danielle
Reed	Philip
Register	Jack
Reilly	Trent
Reimer	Elizabeth
Renshaw	Camilla
Renton	Lara
Retallick	Jane
Reynolds	Emma
Ricciardo	Jordan
Rice	Christopher
Richardson	Scott
Rinehart	Paul
Ritchie	Kati
Roberts	Jamie
Robins	Marcelo
Robinson	Donna
Rock	Marilyn
Rogers	Peter
Rogers	Amy

Surname	First Name
Rom	Nevo
Ronan	Olivia
Rosadi	Annalisa
Rosalky	Deena
Rose	Jonathen
Rose	Kimberley
Rose	Alexandra
Ross	Esther
Rowland	Dominic
Roy	Tanaya
Royal	Ellie
Rubie	Alison
Rush	Frances
Russell	Sharon
Russell	Tarina
Saab	Anne
Sabastian	Alexandra
Samandar	Lema
Sanders	David
Sandland	Brian
Sanqui	Jocelyn
Saros	Lani
Satija	Manny
Scanlon	Demeter
Schien	Regina
Schmidt	John
Schneider	Jane
Schwer	Garth
Scott	Evelyn
Scott	Jacinta
Scott	Larissa
Seale	Nicole
Selvaraj	Nisha

Surname	First Name
Senaratne	Sam
Serrano	Corrina
Setchell	Jason
Sewell	Alec
Sgubin	Lisa
Shashikanth	Rekha
Shaw	Krystle
Sherwood	Simon
Shipley	Megan
Shortland	David
Simcock	Chris
Simmons	Ian
Skinner	Clare
Skvortsova	Tanya
Smedley	Daniel
Smith	Patrick
Smith	Leonie
Smith	Julie
Smith	David
Smolonogov	Matthew
Snell	David
Snewin	Chris
Solomon	Tricia
Son	Peter
Sorenson	Joanne
Spence	Paul
Spitzkowsky	Katherine
Stacey	Katherine
Stanley	Guin
Stapley	Emma
Stedman	Alex
Stern	Daniel
Stevenson	Peter

Surname	First Name
Stewart	Alexandra
Stotski	Jenny
Stracey	David
Suchting	Mailin
Sullivan	Joanne
Sumagaysay	Sandy
Summers	Susie
Sundararaj	Janaki
Swain	Marita
Sweet	Julie
Taituma	Nikki
Tang	Aaron
Tan-Sheppard	Zona
Tauro	Joe
Taylor	Gregory
Taylor	Chris
Taylor	Claire
Temby	Kate
Tenkate	Seth
Thew	Sarah
Thomas	Mark
Thomas	Louarde
Thompson	Vicki
Todd	Angela
Tran	Yen
Tranter	Emily
Tripet	Lynne
Truong	Mykey
Tsen	Jasmine
Tuckfield	Hugh
Tunggal	Chris
Turner	Scott
Turner	Kate

Surname	First Name
Tydd	Anna
Ungur	Seckin
Urquhart	Rowena
Van Beest	Kerry
Van De Luecht	Geraldine
Van De Zandt	Pia
Van Steenwyk	Ingrid
Varley	Matthew
Vasey	Jane
Vencharutti	Terry
Venkataraman	Rajan
Verma	Lokesh
Verney	Anna
Viaggio	Vanessa
Virgo	Helena
Walker	Damian
Walker	Carolyn
Walker	Jenny
Wan	Bobbie
Wang	Cynthia
Warburton	Cathie
Ware	Margaret
Weaver	Catherine
Webber	Steve
Webber	Rachel
Welling	Ray
Wheelahan	Amy
Whelan	David
Whitby	Jessica
Wightman	Katie
Wilczynski	Ania
Wilkinson	Nicholas
Williams	Nancy

Surname	First Name
Williams	Diana
Wilson	Madeleine
Wilson	Julie
Wilson	Nicci
Winter	Lewis
Witchard	Alison
Wolf	Monica
Wong	Jill
Wong	Janet
Wood	Danielle
Wood	Tony
Wood	Katy
Woodley- Beattie	Britta
Woodward	Nadine
Wooi	Khim
Woolley	Isabella

Surname	First Name
Wooten	Aaron
Wooten	Laura
Wordon	Louise
Worthington	Emma
Wragge	David
Wyman	Erick
Yaakoup	Brianna
Yates	Gillian
Yoo	Clara
Younie	Lisa
Zappia	Domenic
Zaretsky	Lisa
Zeev	Karen
Zhang	Eric
Zwartz	Sally

Appendix I Inquiries and reports relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse

On 11 January 2013, the Commonwealth Letters Patent were signed establishing the Royal Commission into Institutional Responses to Child Sexual Abuse and this was followed by instructions given by each of the states.

The Terms of Reference of the Royal Commission require it to consider ‘changes to laws, policies, practices and systems that have improved over time, the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts’. As part of the work of the Royal Commission, relevant public reports across Australia have been identified.

The Royal Commission has reviewed over 300 reports published during the last 24 years. Assessed against the terms of reference of the Royal Commission, 85 were identified as directly relevant to the work of the Royal Commission when this table was first published in the interim report. For inclusion in the Final Report, the table has been updated to include more reports directly relevant to the work of the Royal Commission that have been published since. These reports were not necessarily the result of public inquiries.¹¹ They arise from the investigations of 80 bodies including Royal Commissions, consultancies, parliamentary committees, advisory bodies and the internal public service. Table 1.1 shows the reports chronologically providing a short description.

Table 1.1 – Description of reports directly relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
1989 March 1989 – November 1989	Tas	Review of child abuse support services	<i>Tasmanian Task Force Report on Child Sexual Assault. A Report to the Minister for Community Services (November 1989)</i>	Considered the treatment, counselling and support services required for victims of child abuse, the perpetrators and the families of victims and perpetrators, with a particular brief to examine the area of child sexual assault. Conducted by the Tasmanian Government Child Abuse Support Services Task Force. Chaired by Mr J Ramsay.
1990 August 1990 – November 1991	Tas	Review of sexual assault services (Southern Region)	<i>Report of the Sexual Assault Services Working Group (Southern Region) (November 1991)</i>	Examined the need for and provision of sexual assault services in the southern health region of Tasmania. Chaired by Ms K Warner.
1992 October 1992 – December 1993	WA	The Duty of Care Inquiry	<i>Report to the Acting Director General (Mr R Fisher) of the Department for Community Development. The Duty of Care Inquiry (December 1993)</i>	Considered how the Western Australian Department for Community Development had handled the cases of two children who were sexually abused whilst in foster care. Conducted by the Western Australian Case Review Board. Chaired by Mrs V Cearns.
1993 November 1993 – March 1995	Qld	Inquiry into allegations of official misconduct at the Basil Stafford Centre	<i>Report of an Inquiry into Allegations of Official Misconduct at the Basil Stafford Centre (1995)</i>	Considered abuse and neglect of clients and harassment of staff at the Basil Stafford Centre, a residential facility which provided services to intellectually disabled adults and children. Conducted by the Hon. DG Stewart.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
May 1994 – August 1997	NSW	Royal Commission into the NSW Police Service	<i>Royal Commission into the NSW Police Service Final Report (Volume IV & V: The Paedophile Inquiry) (1997)</i>	Considered the extent of corruption in the New South Wales Police Force, the activities of organised paedophile networks in New South Wales and the adequacy of procedures for protecting at-risk minors and for responding to alleged sex offences against minors. Conducted by the Hon. Justice JRT Wood AO QC.
June 1994 – June 1996	Vic	Performance audit of the provision of child protection services in Victoria	<i>Protecting Victoria's Children: The role of the Department of Human Services (No. 43) (June 1996)</i>	Considered the Victorian child protection system. Focused on the roles of the Department of Human Services and Victoria Police and the adequacy of placement arrangements and the impact of the introduction of mandatory reporting. Conducted by Victorian Auditor-General, CA Baragwanath.
October 1994 – May 1995	Vic	Inquiry into sexual offences against children and adults	<i>Combating Child Sexual Assault: An Integrated Model. First Report (May 1995)</i>	Considered causes of an increase in sexual assault levels in Victoria and measures to reduce those levels. The second part of the inquiry considered offences against adults and is not shown. Conducted by the Parliamentary Crime Prevention Committee. Chaired by the Hon. K Smith MLC.

1994

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
May 1995 – May 1997	Cth	National inquiry into the separation of Aboriginal and Torres Strait Islander children from their families	<i>Bringing them home (1997)</i>	Considered separation of Aboriginal and Torres Strait Islander children from their families and services required by persons affected by separation. Conducted by the Human Rights and Equal Opportunity Commission (HREOC). Led by HREOC President, Sir R Wilson AC KBE CMG QC, and the Aboriginal and Torres Strait Islander Social Justice Commissioner, M Dodson.
August 1995 – November 1997	Cth	Inquiry into children and the legal process	<i>Seen and heard: priority for children in the legal process (ALRC 84) (1997)</i>	Considered the involvement of children in legal processes and measures to address problems with such involvement. Conducted by the Australian Law Reform Commission and the Human Rights and Equal Opportunity Commission.
October 1995 – June 1998	Tas	Sexual assault and rape in Tasmania	<i>Report of the Task Force on Sexual Assault and Rape in Tasmania (1998)</i>	Considered the effectiveness of state-wide whole-of-system responses to incidents of sexual assault and rape taking account of particular regional needs and responses which can be attributed to demographic and infrastructural differences. Conducted by the Tasmanian Government Sexual Assault and Rape Task Force. Chaired by E Little.

1995

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
March 1996 – March 1997	NSW	Inquiry into the quality and standard of care at the Hall for Children	<i>Suffer the Children: The Hall for Children Report (March 1997)</i>	Considered services provided at the Hall for Children, a non-government residential care service for disabled persons aged 4-31 with high support needs. Conducted by the Commissioner for Community Services, R West.
May 1996 – September 1996	NSW	Inquiry into the recruitment, screening and appointment practices of the Department of Community Services, the Department of Juvenile Justice and Non-Government Services	<i>Who Cares? Protecting People in Residential Care. A report on recruitment, screening and appointment practices (September 1996)</i>	Considered employment practices of government and non-government agencies providing care for children and how such practices can minimise risks to children. Agencies included the Department of Community Services, the Department of Juvenile Justice and Non-Government Services that were funded through the Department of Community Services, the Department of Juvenile Justice and the Aging and Disability Department. Conducted by the Commissioner for Community Services, R West.
June 1996 – May 1997	Cth	Commonwealth Paedophile Inquiry	<i>Management Response to Allegations of Paedophile Activity Within the Foreign Affairs Portfolio (May 1997)</i>	Considered organisational responses to, and measures to encourage reporting of, allegations of paedophile activity within the Department of Foreign Affairs and Trade, AusAid and AusTrade. Conducted by P O'Neil.
July 1996 – January 1998	NSW	Inquiry into care and treatment of residents at Cram House	<i>Report of the Inquiry into Care and Treatment of Residents at Cram House (January 1998)</i>	Considered services provided at Cram House, a residential care service of the Illawarra Society for Crippled Children. This service was intended to provide care for children under 16 years of age with severe disabilities. Conducted by the Commissioner for Community Services, R West.

1996

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description	
1997	July 1997 – July 1998	Cth	Inquiry into the welfare of former British child migrants	<i>The Welfare of Former British Child Migrants: Third Report (1998)</i>	Considered child migration programmes under which British children were transported to Commonwealth countries. Focused on child migration to Australia and New Zealand and current needs of former child migrants. Conducted by the British House of Commons' Health Committee. Chaired by Mr D Hinchliffe.
1998	August 1998 – November 2000	Qld	Inquiry into child sex offending in Queensland - Project Axis	<i>Child Sexual Abuse in Queensland: The Nature and Extent (June 2000)</i> <i>Child Sexual Abuse in Queensland: Responses to the Problem (November 2000)</i>	Considered child sexual offending and child sexual abuse in Queensland. Did not consider child sexual abuse in Indigenous or ethnic communities or of intellectually impaired children. Conducted by the Queensland Crime Commission and the Queensland Police Commission. Led by TF Carmody SC.
	August 1998 – May 1999	Qld	Commission of inquiry into abuse of children in Queensland institutions	<i>Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions (1999)</i>	Considered abuse, mistreatment and neglect of children by government and non-government institutions and detention centres in Queensland which provide, or had at some time provided, residential care for children. Chaired by L Forde AC.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
1998	Qld	Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996	<i>Report and Recommendations. Review of the Queensland Children's Commissioner and Children's Services Appeals Tribunals Act 1996 (April 1999)</i>	Considered the Children's Commissioner and Children's Services Appeals Tribunals Act 1996 (Qld) and recommended changes to the role of the Commissioner and Tribunal. Led by J Briton.
		Investigation into the handling of child abuse allegations against employees	<i>Handling of Child Abuse Allegations against Employees (May 2000)</i>	Considered the New South Wales Department of Education and Training's procedures for responding to allegations of child abuse made against staff. Focused on the handling of three cases involving staff alleged to have sexually abused children. Conducted by New South Wales Acting Ombudsman, C Wheeler.
1999	NT	Inquiry into the laws relating to the investigation and prosecution of sexual assault in the Northern Territory	<i>Report on the Laws Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory (1999)</i>	Considered laws relating to the investigation and prosecution of sexual assault in the Northern Territory. Focused on laws relating to the protection of vulnerable witnesses. Conducted by the Law Reform Committee of the Northern Territory. Chaired by the Hon. A Asche AC QC.
2000	Cth	Inquiry into child migration	<i>Lost Innocents: Righting the Record (2001)</i>	Considered abuse and neglect in Australian residential care institutions of children who were brought to Australia under approved child migration schemes. Conducted by the Senate Standing Committee on Community Affairs. Chaired by Senator the Hon. R Crowley.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
2000	Cth	Inquiry into immigration detention procedures	<i>Report of Inquiry into Immigration Detention Procedures (2001)</i>	Considered processes in place for identifying, dealing with and following up allegations and suspicions of child abuse in immigration detention centres and the manner in which those processes had been followed. Conducted by P Flood AO.
	Vic	Sexual offences Inquiry	<i>Sexual Offences. Final Report (July 2004)</i> <i>Sexual Assault Reform Strategy. Final Evaluation Report (January 2011)</i>	Considered whether the Victorian criminal justice system is sufficiently responsive to the needs of complainants in sexual offence cases. Considered both adult and child complainants. Conducted by the Victorian Law Reform Commission. Chaired by Professor M Neave. The evaluation report, conducted by Success Works, considered whether the Sexual Assault Reform Strategy, developed in response to recommendations of the Inquiry, had improved the criminal justice system.
2001	NSW	Review of the Child Protection Register	<i>Report of the Review of the Child Protection Register (May 2005)</i>	Considered the operation and effectiveness of the Child Protection (Offenders Registration) Act 2000 (NSW). Conducted by New South Wales Ombudsman, B Barbour.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
2001	NSW	Inquiry into child sexual assault prosecutions	<i>Report on Child Sexual Assault Prosecutions (No. 22) (November 2002)</i>	Considered New South Wales criminal and civil justice system responses to child sexual assault and alternative models for dealing with child sexual assault within the New South Wales justice system. Conducted by the New South Wales Parliamentary Standing Committee on Law and Justice. Chaired by the Hon. R Dyer MLC.
	WA	Inquiry into response by government agencies to complaints of family violence and child abuse in Aboriginal communities	<i>Putting the picture together (2002)</i>	Considered government agency responses to evidence and complaints of family violence and child abuse in Aboriginal communities in Western Australia. Chaired by Mrs S Gordon AM.
2002	Cth	Investigation of a complaint by a young person (under the age of 18) of an incident involving unacceptable behaviour at a Navy training establishment in mid-1996	<i>Report into the investigation of a complaint by a young person (under the age of 18) of an incident involving unacceptable behaviour at a Navy training establishment in mid-1996 (2004)</i>	Considered how the Royal Australian Navy handled an allegation that a woman was sexually assaulted at a training establishment in 1996. Conducted by the Commonwealth Ombudsman, Professor J McMillan.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
March 2002 – March 2003	SA	Review of child protection in South Australia	<i>Our best investment (March 2003)</i>	Considered the South Australian child protection system including the roles of the police and the Department of Human Services and processes in schools, workplaces, immigration detention centres and courts. Chaired by R Layton QC.
April 2002 – August 2003	ACT	Inquiry into the rights, interests and well-being of children and young people	<i>Report on the rights, interests and well-being of children and young people (No. 3) (August 2003)</i>	Considered the rights, interests and wellbeing of children and young people. Focused on the care and protection system, awareness of legal rights and participation in law and policy formation. Conducted by the Australian Capital Territory Parliamentary Standing Committee on Community Services and Social Equity. Chaired by Mr J Hargreaves MLA.
April 2002 – December 2002	NSW	Inquiry into child protection services	<i>Care and Support: Final Report on Child Protection Services (No. 29) (December 2002)</i>	Considered the New South Wales child protection system. Focused on the role of the Department of Community Services. Conducted by the New South Wales Parliamentary Standing Committee on Social Issues. Chaired by J Burnswoods MLC.
April 2002 – July 2002	WA	Review of the effectiveness of mandatory reporting of suspected child abuse	<i>Mandatory Reporting of Child Abuse: Evidence and Options (July 2002)</i>	Considered the effectiveness of the Western Australian mandatory reporting system and suggests alternatives. Led by Dr M Harries and Associate Professor M Clare.

2002

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
August 2002 – May 2003	SA	Inquiry into immunity from prosecution for certain sexual offences	<i>Report of the Joint Committee on Immunity from Prosecution for Certain Sexual Offences (28 May 2003)</i>	At the time of the Inquiry sexual crime committed before 1 December 1982 in South Australia could not be prosecuted, as they were subject to a three-year statutory time bar that existed from 1952 to 1985. The Joint Select Committee examined whether this statutory immunity should be removed. Conducted by the Parliamentary Select Committee. Chaired by the Hon. GE Gago MLC.
September 2002 – June 2003	Qld	Inquiry into how sexual offences are handled by the Queensland criminal justice system	<i>Seeking Justice (2003)</i>	Considered some aspects of how sexual offences are handled by the Queensland criminal justice system. Focused on decision-making processes of the police and prosecutors, and on publication of the names of alleged offenders. Conducted by the Queensland Crime and Misconduct Commission. Chaired by B Butler SC.

2002

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
March 2003 – March 2005	Cth	Inquiry into children in institutional care	<i>Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children (August 2004)</i> <i>Protecting vulnerable children: A national challenge (March 2005)</i>	Considered abuse and neglect of children by government and non-government institutions which provide, or had at some time provided, care or education to children. Conducted by the Senate Standing Committee on Community Affairs. Chaired initially by Senator S Hutchins and then by Senator J McLucas.
July 2003 – September 2003	Tas	Examination of the complaints process for abuse of children in care	<i>Complaints Process for Abuse of Children in Care (Part 2): Memorandum of Advice to Minister of Health and Human Services (September 2003)</i>	Considered the investigation of allegations of abuse of children in care, the selection of carers and formal processes for receiving complaints regarding children who allege abuse in care. Conducted by the Tasmanian Commissioner for Children, P Ambikapathy.
July 2003 – September 2003	Tas	Examination of the rights of children with disabilities and services for them	<i>Rights of Children with Disabilities and Services for Them: Memorandum of Advice to Minister of Health and Human Services (September 2003)</i>	Considered the current situation with respect to the rights of children with disabilities where there were allegations and disclosures of abuse and how far services provided are adequate in meeting legislative principles. Conducted by the Tasmanian Commissioner for Children, P Ambikapathy.

2003

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
July 2003 – October 2005	Cth	Own motion investigation into the Australian Defence Force: Management of service personnel under the age of 18 years	<i>Management of service personnel under the age of 18 years (No. 04/2005) (October 2005)</i>	Considered processes for management of permanent Defence Force personnel under 18, including processes to manage risks of sexual abuse. Conducted by the Commonwealth and Defence Force Ombudsman, Professor J McMillan.
July 2003 – June 2006	Tas	Review of claims of abuse from adults in state care as children	<i>Review of Claims of Abuse from Adults in State Care as Children (November 2004)</i>	Considered individual claims by adults that they were abused as children in state care in Tasmania and made recommendations for individual reparation, not including ex-gratia payments. Conducted in two phases by the Tasmanian Ombudsman (5 people had this role during the review).
			<i>Who is listening to the children now? The Commissioner for Children's Response to Recommendations 8 and 9 of the Tasmanian Ombudsman's Report: "Listen to the Children, Review of Claims of Abuse from Adults in State Care as Children" (October 2006)</i>	Considered services for children in out-of-home care and recent allegations of abuse in care. Conducted in response to recommendations of a report of the Ombudsman Review of Claims of Abuse from Adults in State Care as Children (2004). Conducted by the Commissioner for Children, Tasmania.
July 2003 – January 2004	Qld	Inquiry into abuse of children in foster care	<i>Protecting children (January 2004)</i>	Considered the abuse of children in the Queensland foster care system and measures to prevent such abuse. Conducted by the Queensland Crime and Misconduct Commission. Chaired by B Butler SC.

2003

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
2003	WA	Investigation into allegations concerning the treatment of children and young people in residential care	<i>Report on Allegations Concerning the Treatment of Children and Young People in Residential Care (30 August 2006)</i>	Considered allegations that the Western Australian Department for Community Development failed to address institutionalised practices amongst residential care facility staff resulting in consistent abuse of residents. Conducted by Western Australian Ombudsman, D O'Donnell.
	Tas	Examination of pre employment checks and use of criminal intelligence	<i>Proposal for Legislation on Pre Employment Checks and use of Criminal Intelligence: Memorandum of Advice to Minister of Health and Human Services (February 2004)</i>	Considered the need for legislative reform for pre employment checks for those who seek paid or unpaid work with children. Conducted by the Tasmanian Commissioner for Children, P Ambikapathy.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
January 2004 – July 2004	ACT	Review of the safety of children in care in the ACT and of ACT child protection management	<i>The Territory as Parent (May 2004)</i> <i>The Territory's Children (July 2004)</i>	Considered the Australian Capital Territory (ACT) child protection system. Focused on the role of the Department of Education, Youth and Family Services. The Territory as Parent was conducted by the Commissioner for Public Administration, C Vardon. The following Audit and Care Review was conducted by an independent reviewer, Ms G Murray.
July 2004 – February 2006	NSW	Inquiry into child sexual assault in Aboriginal communities	<i>Breaking the Silence: Creating the Future (2006)</i>	Considered child sexual assault in Aboriginal communities in New South Wales. Focused on government responses. Also considered non-government and community responses. Conducted by the Aboriginal Child Sexual Assault Taskforce. Chaired by M Ella-Duncan.
July 2004 – December 2005	Cth, NSW, Vic	Inquiry into Uniform Evidence Law	<i>Uniform Evidence Law Report (ALRC 102: NSWLRC 112) (December 2005)</i>	Considered the operation of Uniform Evidence Laws, including aspects that relate to the handling of children's evidence in sexual abuse cases. Conducted jointly by the Australian, New South Wales and Victorian Law Reform Commissions. Chaired by Professor M Neave.

2004

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
2004	Vic	Own motion investigation into improving responses to allegations involving sexual assault	<i>Improving responses to allegations involving sexual assault (March 2006)</i>	Considered how Victorian government agencies, including the police and the Departments of Justice, Human Services and Education and Training protect against and respond to allegations of sexual assault of children and adults. Conducted by Victorian Ombudsman, GE Brouwer.
	SA	Children in State Care Commission of Inquiry	<i>Report of the Children in State Care Commission of Inquiry. Allegations of Sexual Abuse and Death from Criminal Conduct (March 2008)</i>	Considered sexual abuse of children while in state care in South Australia, including abuse of children placed in non-state institutions. Conducted by the Hon. EP Mullighan QC.
2005	WA	Quality assurance and review of substantiated allegations of abuse in care	<i>A duty of care to children and young people in Western Australia (December 2005)</i>	Considered 59 substantiated allegations of abuse of children in the care of the Western Australian Department for Community Development. Conducted by G Murray.
2006	Tas	Examination of the Child Protection Service in Tasmania	<i>Report on Child Protection Services in Tasmania (October 2006)</i>	Considered the Tasmanian child protection system. Focused on the Department of Health and Human Services and development of a service delivery model. Conducted by the Tasmanian Commissioner for Children, David Fanning, and Tasmanian Deputy Secretary (Human Services), A Jacob.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
May 2006 – November 2006	NSW	Review of the New South Wales Joint Investigative Response Team (JIRT)	<i>NSW Joint Investigative Response Team (JIRT) Review (November 2006)</i>	Considered how to improve systems for joint investigations of serious child abuse cases in New South Wales. Conducted by New South Wales Health, the New South Wales Department of Community Services and the New South Wales Police.
June 2006 – November 2008	NSW	Special Commission of Inquiry into child protection services in NSW	<i>Report of the Special Commission of Inquiry into Child Protection Services in NSW. Executive Summary and Recommendations (November 2008)</i>	Considered the New South Wales child protection system, including operation of the police, courts and Department of Community Services and the contribution of other departments including NSW Health, the Department of Education and Training, the Department of Juvenile Justice and the Department of Ageing, Disability and Home Care. Conducted by the Hon. J Wood AO QC.
August 2006 – April 2007	NT	Board of Inquiry into the protection of Aboriginal children from sexual abuse	<i>Ampe Akelyernemane Meke Mekarle "Little Children are Sacred" (2007)</i> <i>Review of Vulnerable Witness Legislation Report (June 2011)</i>	Considered sexual abuse of Aboriginal children in the Northern Territory. Focused on prevention of abuse. Co-chaired by R Wild QC and P Anderson. The review considered the Northern Territory's response to recommendation 30 (court procedures for vulnerable witnesses) of the Northern Territory Board of Inquiry. Conducted by the Northern Territory Department of Justice.

2006

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
2006	WA	Review of the Department for Community Development	<i>Report of the Review of the Department for Community Development (January 2007)</i>	Considered the Western Australian child protection system. Focused on the Department for Community Development and the need for structural reform. Conducted by P Ford.
	WA	Inquiry into the prosecution of assaults and sexual offences	<i>Report of the Inquiry into the Prosecution of Assaults and Sexual Offences (No. 6) (10 April 2008)</i>	Considered how the Western Australian criminal justice system handles sexual offence cases. Conducted by the Western Australian Legislative Assembly Community Development and Justice Standing Committee. Chaired by Mr AP O’Gorman MLA.
2007	SA	Select Committee on Families SA	<i>Report of the Select Committee on Families SA</i>	Considered the policies and procedures of Families SA in dealing with children and in particular the circumstances in which children are removed from their parents or carers or where reports of suspected abuse or neglect of children have been made. Chaired by the Hon. CV Schaefer MLC.
	SA	Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry	<i>Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry: A Report into Sexual Abuse (2008)</i>	Considered sexual abuse of children while resident on the Anangu Pitjantjatjara Yankunytjatjara Lands in South Australia. Conducted by the Hon. EP Mullighan QC.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
2008	NT	Investigation of the operation of the Chaplaincy Services within five government rural schools of the Northern Territory	<i>Investigation report on the operation of the Chaplaincy Services within five government rural schools of the Northern Territory (2010)</i>	Considered complaints about Chaplaincy Services provided to five government rural schools, including complaints that chaplains were providing accommodation to a paedophile. Conducted by Northern Territory Ombudsman, C Richards.
	Cth	Inquiry and report into the implementation of the recommendations in <i>Lost Innocents: Righting the record</i> (Ref: 21) and <i>Forgotten Australians</i> (Ref: 34)	<i>Lost Innocents and Forgotten Australians Revisited (June 2009)</i>	Considered implementation of the recommendations of previous Senate Committee inquiries into child migration (2001) and children in institutional care (2005). Conducted by the Senate Community Affairs References Committee. Chaired initially by Senator C Moore and then by Senator R Siewert.
2009	Vic	Own motion investigation into the Department of Human Services Child Protection Program	<i>Own motion investigation into the Department of Human Services Child Protection Program (November 2009)</i>	Considered the Victorian child protection system. Focused on the Department of Human Services processes and interaction between the Department of Human Services and the Children's Court. Conducted by the Victorian Ombudsman, GE Brouwer.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
June 2009 – June 2010	NSW	Investigation into Community Services' handling of victims compensation claims for children and young people under the parental responsibility of the Minister for Community Services	<i>The need to better support children and young people in statutory care who have been victims of crime (June 2010)</i>	Considered Department of Community Services' processes for identifying children in care who are eligible to claim victims' compensation and for processing their claims. Conducted by the New South Wales Ombudsman, B Barbour.
July 2009 – October 2010	Cth, NSW	Inquiry into family violence	<i>Family Violence - A National Legal Response (ALRC 114: NSWLRC 128) (October 2010)</i>	Considered the interaction between family violence and child protection laws and the impact of inconsistent interpretation and application of laws in family violence sexual assault cases. Conducted jointly by the Australian and New South Wales Law Reform Commissions. Chaired by the Hon. J Wood AO QC.
September 2009 – June 2011	NT	Partial investigation of the Child Protection Authority	<i>A Life Long Shadow (June 2011)</i>	Considered the Northern Territory child protection system. Focused on responses to reports of abuse. Conducted by the Northern Territory Ombudsman, C Richards.
November 2009 – May 2010	Vic	Own motion investigation into Victoria's out of home care system	<i>Own motion investigation into Child Protection – out-of-home care (May 2010)</i>	Considered the Victorian out-of-home care system and the level of care and protection being provided to children within it. Conducted by the Victorian Ombudsman, GE Brouwer.

2009

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
2009	NSW	Audit of the Interagency Plan To Tackle Child Sexual Assault in Aboriginal Communities	<i>Responding to Child Sexual Assault in Aboriginal Communities (December 2012)</i>	Considered implementation of the Interagency Plan To Tackle Child Sexual Assault in Aboriginal Communities. The plan was developed in response to recommendations of the Aboriginal Child Sexual Assault Taskforce (2006). Conducted by the New South Wales Ombudsman, B Barbour.
	NT	Board of Inquiry into the Child Protection System in the Northern Territory	<i>Growing them strong, together (2010)</i>	Considered the Northern Territory child protection system. Focused on the role of the Northern Territory Department of Families and Children. Co-chaired by Professor M Bamblett AO, Dr H Bath and Dr R Roseby.
2010	NSW	Investigation into probity checking standards for funded organisations in the health and human services sectors	<i>Improving probity standards for funded organisations (December 2010)</i>	Considered probity checking practices across the health and human services sectors. Focused on processes used to assess the integrity and character of prospective and existing employees, committee members and volunteers. Conducted by the New South Wales Ombudsman, B Barbour.
	Cth	Inquiry into a national disability long-term care and support scheme	<i>Disability Care and Support (No. 54) (31 July 2011)</i>	Considered a proposed national disability long-term care and support scheme. Led to the National Disability Insurance Scheme. Conducted by the Productivity Commission, presiding Commissioner P Scott.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
May 2010 – February 2011	Vic	Investigation into the failure of agencies to manage registered sex offenders	<i>Whistleblowers Protection Act 2001. Investigation into the failure of agencies to manage registered sex offenders (February 2011)</i>	Considered a whistleblower disclosure concerning failure of the Victorian Police to inform the Department of Human Services about a registered sex offender who had contact with children. Conducted by Victorian Ombudsman, GE Brouwer.
May 2010 – July 2010	Tas	Inquiry into the circumstances of a 12 year old child under guardianship of the Secretary	<i>Inquiry into the circumstances of a 12 year old child under Guardianship of the Secretary. Final Report (July 2010)</i>	Considered circumstances surrounding the prostitution of a 12-year-old girl whilst she was under the Guardianship of the Secretary and placed in the care of her mother. Conducted by the Tasmanian Commissioner for Children, Mr P Mason.
June 2010 – September 2011	Tas	Performance audit of out-of-home care services	<i>Children in out-of-home care (No. 25) (September 2011)</i>	Considered the effectiveness of out-of-home care services as an element of the Tasmanian child protection system. Conducted by the Tasmanian Auditor-General, HM Blake.
October 2010 – December 2011	Tas	Inquiry into child protection issues	<i>Select Committee on Child Protection. Final Report (No. 44) (2011)</i>	Considered the Tasmanian child protection system. Focused on the role of the Department of Health and Human Services. Also briefly considered the justice system. Conducted by a Parliamentary Select Committee. Chaired by Mr O'Halloran.

2010

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
January 2011 – January 2012	Vic	Protecting Victoria's vulnerable children Inquiry	<i>Report of the Protecting Victoria's Vulnerable Children Inquiry (January 2012)</i>	Considered the Victorian child protection system, including child abuse prevention strategies and programs, the statutory child protection system, provision of out-of-home care, and court processes. Conducted by The Hon. Philip Cummins, Emeritus Professor D Scott OAM and Mr B Scales AO.
February 2011 – June 2011	Cth	Review of the immigration detention facilities at Villawood	<i>2011 Immigration detention at Villawood (2011)</i>	Considered conditions at the Villawood Detention Centre, including conditions for children and processes for referral of child welfare and protection concerns. Conducted by the Australian Human Rights Commission.
April 2011 – December 2011	Vic	Sex offenders registration Inquiry	<i>Sex offenders registration. Final report (December 2011)</i>	Considered the registration of sex offenders under Victorian legislation and the management and use of information about registered offenders by law enforcement and child protection agencies. Conducted by the Victorian Law Reform Commission. Chaired by Professor N Rees.

2011

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
May 2011 – March 2014	Cth	Review into the Treatment of Women in the Australian Defence Force	<p><i>Report on the Review into the Treatment of Women in the Australian Defence Force Academy (November 2011)</i></p> <p><i>Report on the Review into the Treatment of Women in the Australian Defence Force (August 2012)</i></p> <p><i>Review into the Treatment of Women at the Australian Defence Force Academy (July 2013)</i></p> <p><i>Review of the Treatment of Women at the Australian Defence Force (March 2014)</i></p>	<p>Considered the treatment of women in the Australian Defence Force Academy (ADFA) and the Australian Defence Force (ADF). The audits then examined the progress of the ADFA and ADF in implementing the reviews recommendations. Conducted by the Human Rights Commission and led by Sex Discrimination Commissioner, E Broderick.</p>

2011

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
2011	Cth	Review of allegations of sexual and other abuse in the Australian Defence Force	<i>Report of the Review of allegations of sexual and other abuse in Defence: Facing the problems of the past. Volume 1: General findings and recommendations (October 2011)</i>	Considered allegations of abuse in Defence. Made an initial assessment as to whether allegations were appropriately managed and put forward recommendations on how to address systemic issues. Conducted by Dr GA Rumble, Ms M McKean and Professor D Pearce AO: report prepared by DLA Piper.
				The Defence Abuse Response Taskforce, led by The Hon. L Roberts-Smith RFD, QC was established to assess and respond to individual cases of abuse in Defence, occurring before 11 April 2011.
	WA	Special inquiry into the response of government agencies and officials to allegations of sexual abuse	<i>St Andrew's Hostel Katanning: How the system and society failed our children (2012)</i>	Considered the appropriateness of the responses of public officials to allegations of sexual abuse at St Andrew's Hostel, Katanning and St Christopher's Hostel, Northam. Conducted by The Hon. P Blaxell.
2012	Vic	Inquiry into the handling of child abuse by religious and other organisations	<i>Betrayal of trust: Inquiry into the handling of child abuse by religious and other non-government organisations (November 2013)</i>	Considered the processes by which religious and other non-government organisations respond to allegations of child abuse by persons within their organisations. Conducted by the Family and Community Development Committee, a Joint Investigatory Committee of the Victorian Parliament. Chaired by Ms G Crozier MLC.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
July 2012 – June 2013	Qld	Queensland Child Protection Commission of Inquiry	<i>Taking Responsibility: A Roadmap for Queensland Child Protection (June 2013)</i>	Considered the Queensland child protection system. Focused on why children enter state care, needs of children in state care and responses to allegations of sexual abuse at youth detention centres. Conducted by the Hon. T Carmody SC.
July 2012 – January 2013	NSW	Review of the prevention of abuse and safeguarding mechanisms in Ageing, Disability and Home Care	<i>Prevention of abuse and safeguarding mechanisms in Ageing, Disability and Home Care (21 January 2013)</i>	Considered the capacity of the Department of Ageing, Disability and Home Care to prevent, identify and respond to allegations of abuse and neglect and how that capacity could be improved. Prepared for Family & Community Services by independent consultant KPMG.
November 2012 – June 2013	SA	Independent Education Inquiry	<i>Report of Independent Education Inquiry (2013)</i>	Considered the handling of sexual abuse cases in South Australian schools. Focused on an incident at one school and on management of allegations of sexual misconduct by adult employees. Conducted by B DeBelle AO QC.
November 2012 – May 2014	NSW	Special Commission of Inquiry into matters relating to the police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle	<i>Report of Special Commission of Inquiry into matters relating to the investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle (May 2014)</i>	Considered matters relating to the police investigation of alleged child sexual abuse involving Fathers D McAlinden and J Fletcher. Conducted by M Cunneen SC.

2012

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
February 2014 – October 2014	Cth	National Inquiry into Children in Immigration Detention	<i>The Forgotten Children: National Inquiry into Children in Immigration detention (November 2014)</i>	Considered the impact of prolonged immigration detention on children's health, wellbeing and development. Reported on incidents of assaults, sexual assaults and self-harm involving children. Designed to promote compliance with Australia's international obligations to act in the best interests of children. Conducted by the Human Rights Commission, led by Professor G Triggs, President.
May 2014 – ongoing	SA	Select Committee on Statutory Child Protection and Care in South Australia	<i>Interim report of the Select Committee on Statutory Child Protection and Care in South Australia (September 2015)</i>	<p>Considering statutory child protection and care in South Australia. Focusing on how foster carers are recruited, managed and supported and the provision of information and support to foster parents regarding the history and needs of a foster child. Chaired by the Hon. SG Wade MLC.</p> <p>In 2015 the inquiry was extended to consider the South Australian Government's response and implementation of recommendations made by the Committee and other past related inquiries.</p>

2014

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
2014	SA	Child Protection Systems Royal Commission	<i>Child Protection Systems Royal Commission report: 'The life they deserve'</i>	Considered the effectiveness of the state's child protection system in ensuring the safety of children at risk of harm, including children who have been removed from their families and placed into custody and/or under the guardianship of the Minister for Education and Child Development. Led by the Hon. M Nyland AM, Commissioner.
2015	Cth	Independent Child Protection Panel	<i>Making children safer: The wellbeing and protection of children in immigration detention and regional processing centres (May 2016)</i>	Considered issues pertaining to the wellbeing and protection of children in immigration detention and regional processing centres. Advised on the effectiveness of departmental and service provider policies and made recommendations for ongoing improvement. The panel members were Mr J Lawler AM, APM, Ms M Alison and Mr D Downie.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
2015	NSW	Inquiry into the sexualisation of children and young people	<i>Sexualisation of Children and Young People – Report (November 2016)</i>	Considered the sexualisation of children and young people in NSW including the sexualisation of children and young people in electronic, print, social media and marketing, their exposure to sexualised images and content and the adequacy of current state and federal measures to regulate such content. The impact of children and young people growing up in a sexualised culture and the need to assist both parents and children and young people to navigate this contemporary environment was also a focus. Prepared for the Parliament of New South Wales by the Joint Committee on Children and Young people, chaired by Ms M Gibbons.
	NSW	Child protection inquiry	<i>Child protection (March 2017)</i>	Considered the role of the NSW Department of Family and Community Services in relation to child protection including the capacity and effectiveness of systems, procedures and practices to notify, investigate and assess reports of children and young people at risk of harm. Conducted by the Legislative Council General Purpose Standing Committee No. 2, chaired by the Hon. G Donnelly MLC.
2016	NSW	Child protection inquiry	<i>Child protection (March 2017)</i>	Considered the role of the NSW Department of Family and Community Services in relation to child protection including the capacity and effectiveness of systems, procedures and practices to notify, investigate and assess reports of children and young people at risk of harm. Conducted by the Legislative Council General Purpose Standing Committee No. 2, chaired by the Hon. G Donnelly MLC.

Period of inquiry	Jurisdiction	Name of body	Relevant report/s	Description
August 2016 – ongoing	Cth	Royal Commission into the Protection and Detention of Children in the Northern Territory	<i>Royal Commission into the Protection and Detention of Children in the Northern Territory – Interim Report (March 2017)</i>	Considering, among other things, the failings in the child protection and youth detention systems in the Northern Territory, and the treatment of children and young people detained in Northern Territory Government youth detention facilities, whether such treatment may have been unlawful, breached duty of care or contrary to human rights principles. Conducted by the Hon. M White AO and Mr M Gooda.
November 2016 – ongoing	Vic	Inquiry into Youth Justice Centres in Victoria	<i>The reporting date for this inquiry is 27 February 2018.</i>	Considering matters relating to incidents, the security and safety of staff, employees and young offenders in facilities, reasons for and effects of the increased number of young people in remand over the past ten years and the implications of incarcerating young people who have significant exposure to trauma, alcohol and/or other drug misuse and/or the child protection system or issues associated with mental health or intellectual functioning. To be prepared for the Legislative Council by the Standing Committee on Legal and Social Issues, chaired by Ms M Fitzherbert.

2016

Glossary

Term	Definition and source of definition
accused	a person charged with committing a criminal offence or offences in a court. Other alternatives to accused are ‘defendant’ and ‘alleged offender’.
care-leaver	children who have been in out-of-home care (including foster care, kinship/relative care or residential care) and who are no longer in care or are transitioning to independence.
child	a child as defined in the United Nations Convention on the Rights of the Child of 20 November 1989. ¹²
children with harmful sexual behaviours	children under 18 years who have behaviours that fall across a spectrum of sexual behaviour problems, including those that are problematic to the child’s own development, as well as those that are coercive, sexually aggressive and predatory towards others. The term ‘harmful sexual behaviours’ recognises the seriousness of these behaviours and the significant impact they have on victims, but is not contingent on the age or capacity of a child.
children with problematic sexual behaviours	refers to sexual behaviours that fall outside the normal or age-appropriate range for younger children. These may or may not result in harm to another person. Problematic sexual behaviours in young children may be an indicator of them having been harmed themselves and may place the child displaying such behaviours at risk of sexual exploitation.
child safe institution/ child safe organisation	<p>a child safe institution is one that creates a culture, adopts strategies and takes action to prevent harm to children, including child sexual abuse. The Australian Children’s Commissioners and Guardians (ACCGs) defines a child safe institution as one that consciously and systematically:</p> <ul style="list-style-type: none"> • creates conditions that reduce the likelihood of harm to children • creates conditions that increase the likelihood of identifying and reporting harm • responds appropriately to disclosures, allegations or suspicions of harm.

Term	Definition and source of definition
child sexual abuse	any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child.
child sexual abuse in an institutional context	<p>abuse that, for example:</p> <ul style="list-style-type: none"> • happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution • is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where the institution has, or its activities have, created, facilitated, increased, or in any way contributed to (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk • happens in any other circumstances where an institution is, or should be treated as being, responsible for adults having contact with children. <p>Note that we also use 'institutional child sexual abuse' to refer to child sexual abuse in an institutional context in this report</p>
child sexual exploitation	when a child is manipulated or coerced to participate in a sexual activity in exchange for, or the promise of, an incentive. This can include incentives such as food, accommodation, clothing, drugs, alcohol, cigarettes or money. It can also include incentives such as love, affection, or safety. Child sexual exploitation is a distinct form of child sexual abuse because of this notion of exchange or reward.

Term	Definition and source of definition
collective trauma	the ‘cumulative emotional and psychological wounding, over the life span and across generations, emanating from massive group trauma experiences’. ¹³ It is a shared, unfolding grief and loss experienced by Aboriginal and Torres Strait Islander peoples. ¹⁴ The term refers to trauma caused by the decimation of Aboriginal and Torres Strait Islander populations during colonisation and the ongoing effects of this over many generations. This also recognises how destruction of language, culture, connection to Country and lore has disrupted social relations and healing practices integral to Aboriginal and Torres Strait Islander wellbeing. ¹⁵ The sexual abuse of Aboriginal and Torres Strait Islander children in institutions is part of the experience of collective trauma.
Commissioner	a person, appointed by the Governor-General, who is responsible for the Royal Commission and its work.
complaint	<p>includes any allegation, suspicion, concern or report of a breach of the institution’s code of conduct. It also includes disclosures made to an institution that may be about or relate to child sexual abuse in an institutional context.</p> <p>An institution may receive a complaint:</p> <ul style="list-style-type: none"> • directly or through a redress scheme • from anyone – a child, adult survivor, parent, trusted adult, independent support person, staff member, volunteer or community member • about an adult allegedly perpetrating child sexual abuse or about a child exhibiting harmful sexual behaviours • in writing, verbally or as a result of other observations, including behavioural indicators. <p>A complaint may become a ‘report’ to an external authority or agency.</p>
cultural appropriateness	an approach to policy, intervention, service delivery and inter-group interaction that is based on the positive acceptance of the cultural values and expectations of an individual and their community. ¹⁶

Term	Definition and source of definition
cultural safety	an environment ‘where there is no assault, challenge or denial of [a person’s] identity, of who they are and what they need’ and refers specifically to Aboriginal and Torres Strait Islander peoples. ¹⁷ This encompasses Aboriginal and Torres Strait Islander individuals’ own assessment of their safety and capacity to engage meaningfully, on their own terms with a non-Indigenous person or institution. This requires action from the non-Indigenous person or institution to listen, enable and support these environments, with accountability to Aboriginal and Torres Strait Islander colleagues or service users. ¹⁸
culturally and linguistically diverse background	anyone from a cultural or linguistic background that is different to the dominant culture, and who is not an Aboriginal or Torres Strait Islander person.
disability	an umbrella term for how people experience a broad range of impairments or health conditions. Physical, mental, intellectual or sensory impairments are common aspects of human functioning. These can be experienced as disability when environmental and personal factors hinder the person’s full and effective participation in society.
disclosure	<p>a process by which a child conveys or attempts to convey that they are being or have been sexually abused, or by which an adult conveys or attempts to convey that they were sexually abused as a child. This may take many forms, and might be verbal or non-verbal. Non-verbal disclosures using painting or drawing, gesticulating, or through behavioural changes, are more common among young children and children with cognitive or communication impairments. Children, in particular, may also seek to disclose sexual abuse through emotional or behavioural cues, such as heightened anxiety, withdrawal or aggression.</p> <p>Disclosures can be intentional or accidental, and they might be prompted by questions from another person, or triggered by a memory of the abuse. A disclosure may also become a ‘complaint’ when made to an institution or a ‘report’ when made to an external authority or agency.</p>
exhibits	these comprise evidence tendered during a public hearing.

Term	Definition and source of definition
gender diverse	<p>people whose assigned sex at birth does not match their internal gender identity, regardless of whether they identify as masculine, feminine or otherwise. Gender diverse people may not identify exclusively as either gender; they may identify as both genders; they may identify as neither gender; they may move around freely in between genders; or may reject the idea of gender altogether.</p> <p>Gender diverse people may choose to live their lives with or without modifying their body, dress or legal status, and with or without medical treatment and surgery. Gender diverse people may use a variety of terms to describe themselves.¹⁹</p>
grooming	<p>behaviours that manipulate and control a child, their family and other support networks, or institutions with the intent of gaining access to the child, obtaining the child’s compliance, maintaining the child’s silence, and avoiding discovery of sexual abuse.²⁰ Grooming can take place in person and online, and is often difficult to identify and define. This is because the behaviours involved are not necessarily explicitly sexual, directly abusive or criminal in themselves, and may only be recognised in hindsight.²¹ Some grooming behaviours are consistent with behaviours or activities in non-abusive relationships, and can even include desirable social behaviours, with the only difference being motivation.²² Perpetrators can groom children, other people in children’s lives, and institutions.</p>
Forgotten Australians	<p>the estimated 500,000 mainly non-Indigenous Australian-born children who spent all or part of their childhood in the care of a government or non-government institution, including children’s homes, orphanages, industrial or training schools or out-of-home care in Australia during the 20th century. On a wide scale, many of these children experienced neglect and mistreatment while in the care of these institutions, with negative long-term social and economic consequences for them, their families and Australian society as a whole. This cohort was described in the 2004 Australian Parliament committee report <i>Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children</i>.</p>
Former Child Migrants	<p>unaccompanied children generally under the age of 16 years who were brought to Australia from the United Kingdom or Malta under government approved schemes during the 20th century (also referred to as ‘child migrants’). This cohort was described in the 2001 Australian Parliament committee report <i>Lost Innocents: Righting the Record - report on child migration</i>.</p>

Term	Definition and source of definition
information sharing/ information exchange	the sharing or exchange of information, including personal information, about, or related to, child sexual abuse in institutional contexts. These terms refer to the sharing of information between (and, in some cases, within) institutions, including non-government institutions, government and law enforcement agencies, and independent regulator or oversight bodies. They also refer to the sharing of information by and with professionals who operate as individuals to provide key services to or for children.
institution	any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), however described, and: <ul style="list-style-type: none"> • includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families • does not include the family.
intergenerational trauma	when the impacts of any trauma are transmitted from an individual survivor to their children or grandchildren. We use the term to refer to the compounding ‘ripple’ effects of child sexual abuse, across generations. When the concept of intergenerational trauma is used in the context of Aboriginal and Torres Strait Islander peoples and other Indigenous communities in colonised nations, it refers to the collective experience of ongoing trauma over many generations. (See ‘collective trauma’ defined in this glossary).
law	the law of the Commonwealth or of a state or territory.
legislation	acts and regulations.
Letters Patent	the official instructions for the Royal Commission.
mandatory reporter	a person who is required by either state or territory legislation to report known and suspected cases of child abuse and neglect to a nominated government department or agency (typically the child protection authority).
mandatory reporting	where a legislative requirement is placed on an individual to report known and suspected cases of child abuse and neglect to a nominated government department or agency (typically the child protection authority).

Term	Definition and source of definition
offender	a person who is found by a court to have done something that is prohibited by law.
official (of an institution)	<p>a reference to a person including:</p> <ul style="list-style-type: none"> • any representative (however described) of the institution or a related entity • any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity • any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity • any other person who you consider is, or should be treated as if the person were, an official of the institution.
out-of-home care	<p>a term generally used when children are placed in substitute care following removal from their families. In this report we distinguish between the out-of-home care systems pre- and post-1990.</p> <p>Pre-1990 residential care refers to institutions that accommodated children who were orphaned or removed from their parents and families. It includes orphanages and children’s homes, family group homes, industrial schools and reformatories, missions and related institutions and institutions for children with disability.</p> <p>Contemporary out-of-home care is the system in each state and territory where children under 18 years who, for whatever reason, are unable to live safely with their families are placed with alternative carers on a short- or long-term basis. Children are most commonly placed in care after statutory intervention by the relevant jurisdiction’s child protection system and the courts. This report focuses on statutory out-of-home care, principally foster care, kinship/relative care and residential care.</p>
perpetrator	an adult who has sexually abused a child.
person in religious ministry	a minister of religion, priest, deacon, pastor, rabbi, Salvation Army officer, church elder, religious brother or sister and any other person recognised as a spiritual leader in a religious institution.

Term	Definition and source of definition
private session	a confidential meeting where victims, survivors and their families can meet with a Commissioner from the Royal Commission to tell their story of institutional child sexual abuse.
record	information created, received, and maintained as evidence and/or as an asset by an organisation or person, in pursuance of legal obligations or in the transaction of business or for its purposes, regardless of medium, form or format.
related matters	any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.
religious institution	an entity which operates or previously operated under the auspices of a particular religious denomination or faith and provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children. This includes, for example, dioceses, religious institutes, parishes, schools and residential facilities.
religious organisation	a group of religious institutions from a particular religious denomination or faith that coordinate and/or organise together. For example, the Catholic Church is a religious organisation which is made up of different dioceses and religious institutes.
report	where concerns relating to child sexual abuse are notified to an authority or agency external to the relevant institution – for example, where a person or institution notifies the police, a child protection agency, an oversight agency or a professional or registration authority.
reportable conduct	conduct that must be reported under legislation that obliges designated institutions to report allegations of institutional child sexual abuse to an independent statutory body.
secondary victim	people who are affected by the sexual abuse perpetrated against the primary victim (the child who is sexually assaulted). Secondary victims can include partners, children (including children born as a result of the abuse), parents, siblings and extended family. Trauma impacts can extend across generations and there may also be collective trauma impacts for whole communities or populations. The impacts of sexual abuse can also be felt by a wider range of people, including whistleblowers and other people (including other children) within the institution where the abuse occurred.

Term	Definition and source of definition
sexual offending	sexual behaviours that fall within the definition of a sexual offence under Australian law, where the person could be held criminally responsible for their conduct. In Australia, anyone aged 10 and over may be charged with a sexual offence.
Stolen Generations	Aboriginal and Torres Strait Islander people who, when they were children, were taken away from their families and communities as the result of past government policies. Children were removed by governments, churches and welfare bodies to be brought up in institutions. The forced removal of Aboriginal and Torres Strait Islander children took place from the early days of British colonisation. It broke important cultural, spiritual and family ties and has left a lasting and intergenerational impact on the lives and wellbeing of Aboriginal and Torres Strait Islander peoples. ²³
submission	a written response from a person or organisation that gives opinions or ideas on a topic.
therapeutic treatment	a range of evidence-informed interventions that address the psychosocial impacts of child sexual abuse. These treatments seek to improve victims' physical, psychological and emotional wellbeing, and enhance quality of life. Therapeutic treatment can include counselling, psychotherapy, body therapies, therapeutic groups, and psychiatric care that may include prescribed medications. These treatments can be delivered for individuals, families or broader groups; over the short- or long-term, tailored to meet the victim's needs. Therapeutic treatment is usually provided by qualified or accredited professionals such as social workers, psychologists or psychiatrists, with more specialist clinical interventions delivered by trained mental health professionals.
trans	a person whose gender identity is different to their sex at birth. A trans person may take steps to live permanently in their nominated sex with or without medical treatment.
transcript	a written record of proceedings.

Term	Definition and source of definition
trauma-informed	<p>‘frameworks and strategies to ensure that the practices, policies and culture of an organisation, and its staff, understand, recognise and respond to the effects of trauma on client wellbeing and behaviour’.²⁴</p> <p>A trauma-informed approach is distinct from trauma-specific interventions or therapeutic treatments. These interventions are part of, but not the same as, a system-wide trauma-informed approach. A trauma-informed approach does not require a service to provide therapeutic treatment addressing the symptoms of trauma.</p>
victim/survivor	<p>someone who has been sexually abused as a child in an institutional context. We use the term ‘victim’ when referring to a person who has experienced child sexual abuse at the time the abuse occurred. We use the term ‘survivor’ when referring to a person who has experienced child sexual abuse after the abuse occurred, such as when they are sharing their story or accessing support. Where the context is unclear, we have used the term ‘victim’.</p> <p>We recognise that some people prefer ‘survivor’ because of the resilience and empowerment associated with the term.</p> <p>We recognise that some people who have experienced abuse do not feel that they ‘survived’ the abuse, and that ‘victim’ is more appropriate. We also recognise that some people may have taken their lives as a consequence of the abuse they experienced. We acknowledge that ‘victim’ is more appropriate in these circumstances. We also recognise that some people do not identify with either of these terms.</p>
witness	a person who appears and gives evidence at a hearing.

Endnotes

- 1 We recommended to the Governor-General that the *Report of Case Study No 28: Catholic Church authorities in Ballarat* be tabled and published with redactions applied to material that might prejudice criminal proceedings. We further recommended that the report be published in an unredacted form at the conclusion of the relevant criminal proceedings.
- 2 We recommended to the Governor-General that the *Report of Case Study No 35: Catholic Archdiocese of Melbourne* be tabled and published with redactions applied to material that might prejudice criminal proceedings. We further recommended that the report be published in an unredacted form at the conclusion of the relevant criminal proceedings.
- 3 We recommended to the Governor-General that the *Report of Case Study No 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse* be tabled and published with redactions applied to material that might prejudice criminal proceedings. We further recommended that the report be published in an unredacted form at the conclusion of the relevant criminal proceedings.
- 4 The *Report of Case Study No 43: The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious* was provided to the Governor-General with a recommendation that it not be published until the conclusion of relevant criminal proceedings.
- 5 The *Report of Case Study No 44: The response of the Catholic Dioceses of Armidale and Parramatta to allegations of child sexual abuse against a priest* was provided to the Governor-General with a recommendation that it not be published until the conclusion of relevant criminal proceedings.
- 6 We recommended to the Australian Government and to state and territory governments that the *Report of Case Study No 28: Catholic Church authorities in Ballarat* be tabled and published with redactions applied to material that might prejudice criminal proceedings. We further recommended that the report be published in an unredacted form at the conclusion of the relevant criminal proceedings.
- 7 We recommended to the Australian Government and to state and territory governments that the *Report of Case Study No 35: Catholic Archdiocese of Melbourne* be tabled and published with redactions applied to material that might prejudice criminal proceedings. We further recommended that the report be published in an unredacted form at the conclusion of the relevant criminal proceedings.
- 8 We recommended to the Australian Government and to state and territory governments that the *Report of Case Study No 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse* be tabled and published with redactions applied to material that might prejudice criminal proceedings. We further recommended that the report be published in an unredacted form at the conclusion of the relevant criminal proceedings.
- 9 We recommended to the Australian Government and to state and territory governments that the *Report of Case Study No 43: The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious* not be published until the conclusion of relevant criminal proceedings.
- 10 We recommended to the Australian Government and to state and territory governments that the *Report of Case Study No 44: The response of the Catholic Dioceses of Armidale and Parramatta to allegations of child sexual abuse against a priest* not be published until the conclusion of relevant criminal proceedings.
- 11 In his comprehensive overview of the use of public inquiries in Australia, Frasser proposes distinctive features of public inquiries that make them different from other processes. See S Frasser. *Royal Commissions and Public Inquiries in Australia*, LexisNexis, Sydney, 2006.
- 12 United Nations, Convention on the Rights of the Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).
- 13 MYH Brave Heart, 'The historical trauma response among natives and its relationship with substance abuse: A Lakota illustration', *Journal of Psychoactive Drugs*, vol 35, no 1, 2003, p 7. See also J Atkinson, J Nelson, R Brooks, C Atkinson & K Ryan, 'Addressing individual and community transgenerational trauma' in P Dudgeon, H Milroy & R Walker (eds), *Working Together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice*, 2nd edn, Commonwealth of Australia, Barton, 2014, p 294; J Atkinson, *Trauma trails, recreating song lines: The transgenerational effects of trauma in Indigenous Australia*, Spinifex Press, North Melbourne, 2002, p 53.
- 14 J Atkinson, *Trauma trails, recreating song lines: The transgenerational effects of trauma in Indigenous Australia*, Spinifex Press, North Melbourne, 2002, p 53.
- 15 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997, p 205; J Atkinson, *Trauma trails, recreating song lines: the transgenerational effects of trauma in Indigenous Australia*, Spinifex Press, North Melbourne, 2002, p 53; K Erikson, *Everything in its path*, Simon and Schuster, New York, 1976, p 47.
- 16 R Walker, C Schultz & C Sonn, 'Chapter 12: Cultural competence – Transforming policy, services, programs and practices' in P Dudgeon, H Milroy & R Walker (eds), *Working together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice*, Commonwealth of Australia, Barton, 2014, p 544.
- 17 R Williams, 'Cultural safety – What does it mean for our work practice?', *Australian and New Zealand Journal of Public Health*, vol 23, no 2, 1999, p 213.

- 18 R Walker, C Schultz & C Sonn, 'Chapter 12: Cultural competence – Transforming policy, services, programs and practices' in P Dudgeon, H Milroy & R Walker (eds), *Working together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice*, Commonwealth of Australia, Barton, 2014, pp 201–2.
- 19 Child Family Community Australia, LGBTQ+ communities: Glossary of common terms, CFCA Resource Sheet, May 2017.
- 20 AM McAlinden, *'Grooming' and the sexual abuse of children: Institutional, internet and familial dimensions*, Oxford University Press, Oxford, 2012, p 11.
- 21 P O'Leary, E Koh & A Dare, *Grooming and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 8.
- 22 P O'Leary, E Koh & A Dare, *Grooming and child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 8.
- 23 Find & Connect, *Glossary terms*, www.findandconnect.gov.au/guide/vic/E000158, (viewed 26 September 2017).
- 24 A Quadara & C Hunter, *Principles of trauma-informed approaches to child sexual abuse: A discussion paper*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 11.



Royal Commission
into Institutional Responses
to Child Sexual Abuse

Commonwealth of Australia

Royal Commission into Institutional
Responses to Child Sexual Abuse

ISBN 978-1-925622-49-2
Published December 2017