

Establishment of a Royal Commission into Child Sexual Abuse

January 2013

On Friday 11 January 2013, Her Excellency Quentin Bryce, Governor-General of the Commonwealth of Australia, on the advice of Prime Minister the Hon. Julia Gillard MP, issued Letters Patent to appoint a six-member Royal Commission to investigate Institutional Responses to Child Sexual Abuse, pursuant to the Royal Commissions Act 1902.

The Letters Patent are available in full [here](#).

The Royal Commission had been announced by the Prime Minister on Monday 12 November 2012. The Prime Minister said she was establishing the Commission in the wake of heartbreaking allegations of child sexual abuse, as a Royal Commission would be the best way to ensure the survivors of this abuse have their voices heard and their claims investigated.

The Prime Minister's press release is available [here](#).

More information about the Royal Commission is available on the Department of Prime Minister and Cabinet website, [here](#).

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Terms of Reference

The Terms of Reference for the Royal Commission are contained within the Letters Patent issues by the Governor General, available [here](#).

The Terms of Reference outline that the Commission will inquire into institutional responses to allegations and incidents of child sexual abuse and related matters. The Commission will not consider incidents of child abuse that is non-sexual, or incidents of child sexual abuse that has occurred outside of institutional settings.

The Terms of Reference were developed following a consultation process that included victims' groups, religious leaders, and community organisations, as well as with the relevant Premiers and Chief Ministers, coordinated by the Attorney-General, the Hon. Nicola Roxon MP, and the Minister for Families, the Hon. Jenny Macklin MP.

Commissioners

A total of six Commissioners have been appointed to the Commission.

The Chief Commissioner is Justice Peter McClellan AM. Justice McClellan currently holds one of the most senior judicial positions in New South Wales judiciary as the Chief Judge at Common Law of the Supreme Court of New South Wales. Justice McClellan has an extensive legal career – including chairing the Sydney Water Inquiry and working on the Royal Commission into British Nuclear Tests in Australia.

The remaining five Commissioners are:

1. Bob Atkinson, the former Queensland Police Commissioner, brings over 40 years of policing experience to the Royal Commission, including 12 years as Police Commissioner.
2. Justice Jennifer Coate served for 20 years as a magistrate and county court judge in Victoria, including for five years as the President of the Children’s Court and most recently as the Victorian Coroner. Justice Coate has also now been appointed to the Family Court of Australia.
3. Robert Fitzgerald has served as a Commissioner in the Productivity Commission since 2004. He also has experience in commerce, law, public policy and community services, including as Community and Disability Services Commissioner and Deputy Ombudsman in New South Wales.
4. Professor Helen Milroy is a consultant psychiatrist with extensive experience in child and adolescent health, including the mental health impacts of child sexual assault, and is currently Winthrop Professor and Director of the Centre for Aboriginal Medical and Dental Health at the University of Western Australia.
5. Former Senator for Western Australia Andrew Murray brings tremendous experience as a legislator and member of landmark Senate inquiries into children’s experiences in institutional care.

A short biography of each of the the six Commissioners is available [here](#).

Timeframe

All Commissioners have been appointed for a period of three years and will begin their inquiry as soon as possible. The Commission will prepare an interim report by no later than 30 June 2014, so that governments and organisations can start taking action on the Commission’s early findings and recommendations.

In this interim report, the Commissioners will also identify when their final report will be completed. The final reporting date has been set initially at the end of 2015, but this will be subject to advice from Commissioners in their interim report.

The Government will also introduce legislation into the Parliament to amend the Royal Commissions Act 1902 to allow evidence to be taken by a single or multiple Commissioners rather than requiring all Commissioners to be present. This will improve the efficiency of the evidence gathering process and avoid delaying the Commission’s work.

Current Similar Inquiries

There are currently inquiries under way in both New South Wales and Victoria.

In April 2012, the Victorian Government established a parliamentary inquiry into matters relating to the handling of alleged criminal abuse of children by religious and other non-government organisations. More information about the Victorian inquiry is available [here](#).

On Friday 9 November 2012, NSW Premier Barry O'Farrell announced his intention to appoint a Special Commission of Inquiry into allegations raised in the media about police handling of abuse by the clergy within the Maitland-Newcastle Diocese of the Catholic Church. Premier O'Farrell's press release is available [here](#).

Background: Royal Commissions

Royal Commissions are the highest form of inquiry on matters of public importance, and are appointed under the [Royal Commission Act 1902](#) (the Act). The Act provides the Government with a statutory framework for establishing public inquiries with coercive information gathering powers. The Act was one of 59 statutes enacted by the first Parliament of the Commonwealth of Australia, and has been amended 20 times since its enactment.

Under the Act, the scope of the power to establish a Royal Commission is very broad. The Act provides that the Governor-General, by Letters Patent, may issue a commission 'which relates to or is connected with the peace, order and good government of the Commonwealth, or any public purpose or any power of the Commonwealth'.

The first Royal Commission was held between 1901 and 1902 on the the arrangements made for the transport of troops returning from service in South Africa in the S.S. "Drayton Grange." The most recent Royal Commission was established on 25 September 2007 to inquire into Equine Influenza, and delivered its final report on 12 June 2008. 127 Royal Commissions have been appointed under the Act to date; a list of these is available [here](#).

In 2009, the Australian Law Reform Commission conducted a nine month inquiry into the operation of the provisions of the *Royal Commission Act 1902*, and the question of whether an alternative form or forms of Commonwealth executive inquiry should be established by statute. The findings and recommendations of the inquiry were presented in the report [Making Inquiries: a New Statutory Framework](#), which was tabled in Parliament in 2010. The key recommendation was for the establishment of two tiers of public inquiries, 'Royal Commissions' and 'Official Inquiries,' the recommendations are yet to be implemented.

Support Services

The Royal Commission's website provides a list of support services available for victims of sexual assault. The list is available [here](#).