

The Royal Commission into Institutional Responses to Child Sexual Abuse

July 2014

On Friday 11 January 2013, Her Excellency Dame Quentin Bryce, then-Governor-General of the Commonwealth of Australia, on the advice of former Prime Minister the Hon Julia Gillard, 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 Royal Commission had been announced by then-Prime Minister Gillard 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 Hawker Britton Occasional Paper on the establishment of the Royal Commission is available [here](#).

On 30 June 2014, the Royal Commission released its interim report, available [here](#).

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Terms of Reference

The Terms of Reference for the Royal Commission are contained within the Letters Patent issued 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 then-Attorney-General the Hon Nicola Roxon, and then-Minister for Families the Hon Jenny Macklin MP.

Commissioners

A total of six Commissioners were 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 NSW. 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, who brings over 40 years of policing experience to the Royal Commission, including 12 years as Police Commissioner.
2. Justice Jennifer Coate, who 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, who 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, a consultant psychiatrist with extensive experience in child and adolescent health, including the mental health impacts of child sexual assault, and 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, who brings experience as a legislator and member of landmark Senate inquiries into children’s experiences in institutional care.

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

Timeframe

All Commissioners were appointed for a period of three years and began their inquiry as soon as possible.

The Commission prepared an interim report that was released in June 2014 to enable governments and organisations to start taking action on the Commission’s early findings and recommendations.

The final reporting date was set initially at the end of 2015, but the Commission in its June 2014 interim report has requested an additional \$104 million of funding and an additional two years to conduct the inquiry report.

The Parliament also passed the *Royal Commissions Amendment Act 2013* 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. The purpose of this amendment was to improve the efficiency of the evidence gathering process and avoid delaying the Commission’s work.



Interim Report

The Royal Commission Interim Report was released on 30 June 2014 and is in two volumes.

Volume 1 outlines the need for the inquiry, its task and operations. It also examines what the Commission has done, including 1700 private sessions and 1600 written accounts, 96 days of public hearings and 220 witnesses, research and policy, community work and its use of information.

Volume 1 also reports on the work that still needs to be done. The report requests an additional two years and \$104 million in extra funding to complete 70 essential public hearings and conduct private sessions with the 3000 people currently on a waiting list.

The interim report says that despite legal obligations to report child abuse, it remains significantly under-reported in Australia.

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.

Volume 1 is available [here](#). (PDF)

Volume 2 is available [here](#). (PDF)

Recent Similar Inquiries

There have been inquiries conducted 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. The final report was handed down on 13 November 2013.

The Committee recommended significant legislative changes, including strengthening the criminal law, making access to civil litigation easier for victims and establishing a new independent avenue for justice.

More information about the Victorian inquiry is available [here](#).

On Friday 9 November 2012, then-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.

The terms of reference for the inquiry are available [here](#).

On 30 May 2014, volumes 1-3 of the Commissioner's report were published by the Executive.

More information about the NSW inquiry 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 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 13 March 2014 to inquire into trade union governance and corruption, and is due to deliver its final report by 31 December 2014.

132 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](#).