

**ROYAL COMMISSION INTO INSTITUTIONAL  
RESPONSES TO CHILD SEXUAL ABUSE**

**FORMAL OPENING OF THE INQUIRY**

AT THE COUNTY COURT OF VICTORIA

ON WEDNESDAY, 3 APRIL 2013 AT 10.00 A.M.

COMMISSIONERS: THE CHAIR, JUSTICE PETER DAVID McCLELLAN AM  
MR ROBERT ATKINSON AO APM  
JUSTICE JENNIFER ANN COATE  
MR ROBERT WILLIAM FITZGERALD AM  
PROFESSOR HELEN MARY MILROY  
MR ANDREW JAMES MARSHALL MURRAY

COUNSEL ASSISTING: MS GAIL FURNESS SC  
MS MELINDA  
RICHARDS

SOLICITOR INSTRUCTING: MS DONNA  
ROBINSON



JUSTICE McCLELLAN: This is the first public sitting of the Royal Commission and it is appropriate that we acknowledge the custodians of the land on which we are meeting. Unfortunately, due to personal circumstances we are unable to proceed with the traditional welcome this morning. However, it is important that we acknowledge the Wurundjeri people of the Kulin nation and pay our respects to their Elders, past and present.

Australians of recent generations have lived through a period of rapid change across many aspects of society. Many changes can be identified. One which is important for the work of this Royal Commission is our preparedness to challenge authority and the actions of those in power in areas where this would not previously have been contemplated. We have seen significant changes in the manner in which power is distributed throughout the community. The women's movement and the fact that women now hold positions of responsibility in government and business are markers of many of the changes which have occurred.

These changes have brought with them a need and capacity to reflect on the functioning of institutions and the behaviour of individuals within those institutions. We have seen both Royal Commissions and Inquiries directed to that end. Many Inquiries have been conducted by Senate Committees. Inquiries have looked at diverse issues including institutional and out of home care, foster care, child migration, the various child protection systems in the States and Territories, the stolen generations, Aboriginal deaths in custody, child sexual abuse in indigenous communities and forced adoptions. There have been many other Inquiries.

Many Inquiries have touched upon the issues raised by the Royal Commission's Terms of Reference. They number more than 40. In addition, there have been a very large number of Inquiries into these issues overseas. As the Royal Commissions and Inquiries that have been held in the last 30 years make plain, the community has come to acknowledge that fundamental wrongs have been committed in the past which have caused great trauma and lasting damage to many people. Although a painful process, if a community is to move forward, it must come to understand where wrongs have occurred and so far as possible, right those wrongs.

It must develop principles which, when implemented through legislation and changes in the culture and management practices of institutions and the behaviour of individuals, will ensure a better future for subsequent generations.

In 1989 world leaders decided that children needed a convention specifically for them. It was recognised that people under 18 years of age may need special care and attention where adults may not. The leaders also wanted to emphasise that children have human rights. As a consequence, states negotiated and ratified the Convention on the Rights of the Child. We can now see that the adoption of the Convention has had both symbolic significance and practical consequences in Australia. It has been a critical step in our society being prepared to look at the manner in which the obligations owed to our children have been met, acknowledge wrongdoing and provide practical means to redress those wrongs and assist in the healing of those who have suffered.

It is already apparent from the work done by other Inquiries and the cases which have been prosecuted in the courts that children have been sexually abused in a variety of institutions over many decades. The extent of the abuse and the institutional response to it are among the important issues raised by the Terms of Reference of this Royal Commission. When this Royal Commission was announced, the government indicated that it would amend the Royal Commissions Act to enable the Commission to receive accounts of alleged abuse from individuals in what have now been called private sessions. That legislation has now passed through the Parliament and become law. It allows the Royal Commission to appoint one or two Commissioners sitting in private to receive a person's account.

I understand that a similar procedure was followed in Ireland which proved of great benefit to many people who were suffering the consequences of the abuses to which they were subjected as children. The Terms of Reference of our Inquiry provide, amongst many other matters, that 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. The Terms of Reference direct the Commissioners to inquire into 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 Commissioners accept that part of the task given to us by the Terms of Reference is to bear witness on behalf of the nation to the abuse and consequential trauma inflicted upon many people who have suffered sexual abuse as children. The bearing of witness is the process of making known what has happened. It involves the telling of personal accounts by those who have experienced child sexual abuse as well as listening to the accounts of others who may have observed these crimes.

There are many examples through history of the importance of this process, especially when an event has provoked great moral outrage. The bearing of witness informs the public consciousness and prepares the community to take steps to prevent abuses from being repeated in the future. Other outcomes may follow. The public record will be informed by the process. The memorialisation and archiving of documents for posterity is an important legacy of bearing witness.

For the individuals who have been traumatised, giving an account of their experiences and telling their story can be an important part of their own recovery process. The bearing of witness by another can break the silence over the abuse that a person experienced, in many cases years ago. It allows the person to be heard, understood and have his or her experiences recorded. The information gained can be used to develop better responses for the future.

The Commission has decided to sit in Melbourne today to report on the work which has been undertaken in setting up the Commission. Senior counsel, Ms Furness, will later address the Commission and indicate the processes she will follow in gathering evidence. Although the Commissioners were formally appointed in January of this year, the government was aware at the time we were appointed that because of various prior commitments it was not possible for all of us to commence work full time until sometime in February.

However, the Commissioners have now been able to meet as a group on a number of occasions. At each meeting,

papers have been presented dealing with many issues which must be resolved before the Royal Commission can effectively begin the process of gathering detailed evidence.

The Chief Executive Officer was appointed in January and she began, in consultation with myself and senior counsel assisting the Commission, the planning necessary to establish the Commission. This has included the securing of premises, the development of a plan to provide suitable IT capacity for the Commission and a process for the recruitment of staff to undertake the many tasks which must be completed by the Commission. The Chief Executive Officer has also been responsible for developing a plan so that the Commission can provide an effective telephone response to callers and refer those in need to appropriate counselling services.

The Commission has now engaged trained personnel to answer telephone calls from persons who wish to give an account of their experience to the Commission. As these resources are now in place the Royal Commission is able to receive telephone calls from survivors. Ms Furness will explain more about this in due course and will also tell you of the telephone number that can be rung in order to contact the Commission.

It is important to appreciate that the initial response that we receive may be so great that it may not immediately be possible to interview some people or have arrangements made for their account to be heard immediately in a private session or a hearing. Any person who contacts the Commission will have his or her details taken and sufficient information recorded to enable us to maintain contact and discuss the nature of the allegation and the institution in which it is said to have occurred. In this way we can plan the Royal Commission's work in the most effective and efficient manner.

Many of the preliminary tasks have now been completed but there are many more which must be undertaken before the Commission is fully operational. The Commission anticipates that the recruitment process will bring the full complement of personnel to approximately 110 people. To find the people with appropriate skills and experiences takes time and significant effort from those involved in doing that work. The Royal Commission is conscious of the need to ensure the absolute security of some of the

information it receives and of the need to protect the identity of some persons who come and tell us of their experience within an institution. After considering the options, the Royal Commission is in the process of establishing an IT capacity separate from government and with the highest level of security.

The Commission has been told that many people who will wish to give an account of being sexually abused as a child will have difficulty recounting that experience. For some the opportunity, although of significant benefit to them, may also trigger trauma. It is for this reason that the Commission has delayed the taking of individual accounts until trained persons have been engaged to answer telephone calls. For the Commission not to ensure that it could respond in an appropriate way to any person who makes contact with us would not have been responsible.

I wish to emphasise that the Commission has made arrangements to receive accounts from individuals in suitable premises which we have been told are most likely to be meeting rooms in private hotels. These premises will provide the degree of neutrality and confidence that many people will require. Private sessions will be structured to provide assistance to people in giving their account and arrangements will be made to refer those who may be in need to appropriate counselling services. Ms Furness will say more about these matters when she addresses the Commission.

A number of people have raised concerns that by giving the Royal Commission an account of their experience a person may be in breach of a confidentiality clause entered into with the relevant institution. It is important to stress that we expect that many institutions will cooperate with the Royal Commission and waive reliance on such a clause. However, if anyone wishes to tell us his or her story and has a concern about a confidentiality clause in an agreement, the Commission has powers which will overcome the clause. Anyone who has those concerns should, when they contact the Commission, tell a Commission officer of their concerns before telling their story to us and appropriate steps can then be taken.

The Royal Commission's Terms of Reference are broad-ranging. They are not confined as to the time at which a person says he or she was abused and the definition of institution is broad. It extends from the organised

churches through schools, childcare centres and recreational bodies. It also includes any state run institution providing residential care for children and each of the state departments and non-government organisations responsible for organising and supervising foster care arrangements.

In recent weeks the Commission has consulted with many peak organisations representing both survivors and relevant institutions. There are other organisations yet to be consulted. It has been made clear to us that it is likely that there are thousands of people throughout Australia who want to give an account of their experience to the Commission. It seems likely that at least 5,000 people will want to talk to the Commission. The leaders of some of the groups representing survivors of abuse suggest that the number could, in fact, be much higher.

In preparing to receive the accounts of an individual's experience, the Commission is anticipating that each person may need at least an hour in which to tell us of his or her experience. We have been told that many of the accounts we receive will contain serious and often shocking allegations. The advice we have received from psychiatrists is that however robust the listener, persons exposed continuously to the account of these traumatic events are themselves at risk of harm. We understand that there are limits upon how many personal accounts a commissioner and the Commission's staff can safely listen to in any one day.

In the course of a week it will not be possible to listen continuously. It is important that the Commission focus its private sessions and private and public hearings in a manner which enables us to identify institutions in which there may have been problems and organise the obtaining of information and evidence so as to facilitate a detailed examination of those institutions.

The Commission is required to provide an interim report to government by 30 June next year. The Terms of Reference require the Commission to advise on the time which may be necessary to complete its tasks. It is difficult at this stage to estimate how long it will take the Commission to look at any particular institution but some guidance is available from similar Inquiries conducted in Australia and overseas.

The Inquiry conducted by Justice Mullighan into Allegations of Abuse Relating to State Institutions in South Australia took three years. That Inquiry did not look at any private institutions and did not look at institutions which were run by religious bodies. It took evidence from approximately 800 witnesses. The Ryan Inquiry in Ireland which had broad terms of reference, including the physical mistreatment of children in institutions, took approximately nine years to complete its work. Judge Murphy, who conducted a Royal Commission into the Catholic Archdiocese of Dublin, which was separate from the Ryan Commission, took three years to complete that task. An Inquiry into the smaller Diocese of Cloyne took her one year.

From the information which the Commission has been able to gather, I believe that it may be difficult for us to complete a proper investigation and report on more than 6 institutions between now and the time of the interim report. Our enquiries indicate that most institutions are not immediately able to provide the Commission with documents which record their internal management practices and the manner in which they may have dealt with complaints of child sexual abuse.

There will also be difficulties in locating people who held positions of responsibility in the institutions at the relevant time. If the allegations concern events which occurred many years ago, people who were important at the time may now have passed away.

It will be apparent that the task defined by the Terms of Reference is so large, both as to the number of people who may wish to give their account and the number of institutions who may be affected by allegations, that it is unlikely that the Commission can complete its work within the timeframe currently fixed for delivery of the final report. However, I and the Commissioners propose to use the time between now and the delivery of the interim report to complete as much of our task as we can and when that report is delivered, Government will be able to make a judgment as to the future course which the Commission should take.

I do not want any person to be under any illusion as to the cost of the Commission. It will be expensive. We have to date in setting up the Commission, fitting out

premises, purchasing an IT system and acquiring other resources committed to the expenditure of \$22 million. The running costs, including the costs of travel and resourcing Commissioner hearings throughout Australia will have the consequence that the work of the Commission will continue to require the commitment of very significant sums of public money.

The Commission will, through its website, provide regular updates on the progress which is being made to the extent consistent with the effective investigation of particular issues. I mean by that, there may be occasions when what the Commission is doing should not be known to anyone other than the Commissioners, but, so far as we are able, we will inform everyone of what we are doing through the website.

The website will also provide information as to the ongoing costs of the Commission so that both government and the community can be informed of the expenditure which is required to complete our tasks. The Commission has now received approximately 1,200 telephone calls, none of which were solicited. They reflect the level of interest and concern within the community. However, we expect that from today, a great many more calls will be received. Many of the people who want to speak to the Commission will, for a variety of reasons, seek to give an account of their experience in private session.

Many of those people may not want their account reported in public. The Commission will respect their wishes. To facilitate receiving their account, Commissioners will travel to different parts of Australia to listen to the individual stories. However, it is important for me to emphasise that the Commission will, so far as is appropriate, conduct its hearings in public. However, given the nature of the issues with which we are concerned, some information and evidence must remain confidential to the Commission.

It is wrong though to think that the Commission is a secret body. Our findings and recommendations will be made public but we must try to ensure that no person who has suffered from abuse is further damaged by the Commission's process. There will be other people who wish to give their evidence in public. At this stage in the first part of our inquiry and before the interim report, I anticipate that

most public hearings will be directed to the Commission gaining an understanding of the response of particular institutions to allegations which the Commission has received in private sessions or in public hearings. I do not presently expect that there will be any public hearings where evidence is taken until at least the last quarter of this year.

You will be aware that the Commission will not entertain applications for leave to appear today. We have, however, announced on our website that we invite institutions or individuals to indicate to the Commission that they believe they have an interest in its work. As the Commission identifies particular institutions or individuals which it proposes to investigate through the public hearing process, those institutions, or individuals and any other institutions or individuals who have expressed an interest and which interest could be affected during the particular hearing, will be notified and given an opportunity to seek leave to be represented.

There will also be public notice of any hearing so that any institution or individual who has not previously contacted the Commission may have an opportunity to make an application for leave to appear. However, the Commission will not entertain applications for leave to appear generally but will confine them to leave to appear in relation to relevant segments of our inquiries.

The Commission recognises the significant potential which the public airing of allegations may have to damage the reputation of individuals or institutions. This is an inevitable consequence of the appointment of a Royal Commission to inquire into matters of public concern. However, mindful of this possibility, the Commission will confine the allegations which it places into the public domain to circumstances where it believes that the airing of these allegations is justified, notwithstanding the risk of damage to a person or to an institution's reputation.

Where there is a risk of damage to a person or to an institution's reputation or the possibility of adverse findings being made with respect to a person or an institution, the Commission will grant leave for a legal representative for that person or institution to appear before it.

The Commission welcomes the response from the Catholic

Church, which has repeated on a number of occasions, that it will fully cooperate with the Commission. We have had discussions with the Chief Executive of the Truth, Justice and Healing Council and we understand that the work of collecting and organising the documents held by the Catholic Church in its various manifestations has commenced. It is an enormous task.

Until the Commission is able to identify institutions of particular interest to it, having regard to the allegations which are made, it will not be possible to identify all of the documents which the Commission will require. However, as a result of our initial enquiries, I can indicate that the Commission has already served notices on particular bodies within the Catholic Church in Australia and its insurer, the Salvation Army and the New South Wales Director of Public Prosecutions, seeking the production of relevant documents. More notices are being prepared.

An important element of our Terms of Reference requires that recommendations be developed as to changes which might be made to laws, policies, practices and systems to better protect against and respond to child sexual abuse in an institutional context. To aid in this process, the Commission has formed a research arm which will look at previous reports in relation to child sexual abuse and undertake work to identify the most effective manner of responding to these problems.

The Commission will seek to draw upon the expertise of other people with the relevant experience and may commission research to ensure that our recommendations are both soundly based and practical so that they may be taken up by governments and institutions throughout Australia.

When I spoke in January I stressed that it was necessary for the community to understand that the Commission is not a prosecutorial body. Our investigative processes will be used to receive and consider what we expect will be accounts by individuals of their experience when living within or when they were associated with an institution.

The Commission will be concerned to examine these individual accounts to determine how the circumstances arose, the relevant management practices of the institution

in which they occurred and the response which the institution has made to any complaint of sexual abuse by an individual. Because the Commission is not a prosecutorial body we have established links with the appropriate authorities in each State and Territory to which a matter may be referred with the expectation that, where appropriate, prosecutorial proceedings may commence. It is also important to understand that the Commission is not tasked with determining whether any person may be entitled to compensation for any injury which they may have suffered.

Although we recognise that our tasks are complex and will at times be difficult, the Commissioners and our staff are committed to ensuring, so far as we are able, that our obligations to receive individual accounts and report the history of relevant institutions are satisfied. We expect that the work we undertake will allow the community to move forward with a determination that any wrongdoing which has occurred in the past will not be repeated.

It remains for me to emphasise again that it is important for those who are involved in the Commission, and others who discuss its work, to recognise and do what they can to minimise the risk that negative consequences, including re-traumatisation and distress may follow from a person coming to the Commission to give his or her account. The Commissioners accept that on behalf of the nation they have been asked to bear witness to the past experiences of those who have suffered child sexual abuse in institutions. We have a responsibility to use those accounts to make further inquiry and, ultimately, to provide an authoritative account of the events and make recommendations about the way forward.

The task we have been given requires significant resources which must be efficiently managed. I appreciate that there will be many people who may be stressed by the fact that the Commission cannot immediately hear their account of their personal circumstances. To those people I offer the assurance that we will receive your account as soon as we are able. I ask those who may be advising those people, and those who report on the work of the Commission, to understand the practical difficulties we face and through their advice and reports, assist others to understand the issues facing the Royal Commission.

Ms Furness.

MS FURNESS: Your Honours and Commissioners, the Attorney-General has appointed me as senior counsel assisting and Melinda Richards, to my left, from the Victorian Bar as junior counsel assisting, the Royal Commission. Donna Robinson, to my far left, has been appointed as the instructing solicitor to the Commission. The Terms of Reference to the Royal Commission provide the context in which it must undertake its inquiries.

Justice McClellan has referred to Australia's obligations under the United Nations Convention on the Rights of the Child. This obliges Australia to take all appropriate legislative, administrative, social and educational measures to protect children from sexual and other forms of abuse including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse. All forms of child abuse are a gross violation of a child's right to this protection and a crime under Australian law.

The Terms of Reference note that child sexual abuse may be accompanied by other unlawful or improper treatment of children including physical assault, exploitation, deprivation and neglect. Many institutions including childcare, cultural, educational, religious, sporting and others provide important services and support for children and their families that are beneficial to a child's development.

The Commonwealth Government and all State Governments have recognised that it is important that claims of systemic failures by institutions in relation to sexual abuse 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.

Those governments have recognised that it is also important that those affected by child sexual abuse can share their experiences to assist with healing and to inform the development of appropriate strategies and reforms. Each State Government has issued Letters Patent in the same or similar terms to those issued by the Commonwealth. I understand that some States are

considering amending their Royal Commission Acts in light of the recent amendments to the Commonwealth Act.

Turning now to the definitions of key terms in the Royal Commission's Terms of Reference. They provide that "child" is defined as it is in the Convention on the Rights of the Child. The Convention defines a child as a person below the age of 18 years and therefore that is the definition that this Royal Commission will adopt.

Having regard to the Terms of Reference, I have developed at this stage a working definition of child sexual abuse. That definition includes 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 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.

The Australian Institute of Family Studies refers to child sexual abuse in an institution as being when there is any sexual behaviour between a child and an adult in a position of power or authority over the child. The Royal Commission will in due course consider any comments from any interested persons as to the definitions which should be ultimately adopted.

An institution is defined in the Terms of Reference to mean any public or private body, agency, association, club, organisation or other entity or group of entities of any kind, whether incorporated or unincorporated, and however described and includes, for example, an entity or group of entities including one 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, but importantly, does not include the family. Therefore, institutions operated by government, not for profit organisations and the private sector are included within this Royal Commission's Terms of Reference.

The types of institutions that the Royal Commission

will be investigating include residential care facilities such as orphanages, all religious organisations and their various, however described, entities. Among them are schools, churches, parishes, congregations, dioceses, including archdioceses, and religious orders. Recreational and sporting groups are included including the Girl Guides, the Scouts, swimming organisations, soccer, football, Little Athletics, netball and all other organised sports are included.

Childcare centres, State Government child protection agencies, other State Government departments and authorities, including the police force, which have responsibilities for children. Agencies which organise and supervise out of home care are included, as are detention centres, including those that house refugees. Defence forces, educational facilities, including kindergarten, primary, secondary schools and boarding schools are all included. In addition, juvenile justice centres are institutions for the purpose of the Terms of Reference

The Terms of Reference identify the need to ensure that evidence that may be received by the Royal Commission which identifies particular individuals as having been involved in child sexual abuse is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous Inquiries. They also identify the need to establish appropriate arrangements in relation to current and previous Inquiries in Australia and elsewhere for evidence and information to be shared in ways consistent with relevant obligations so that the work of those Inquiries, including, after obtaining any necessary consent, the evidence of witnesses can be taken into account by this Royal Commission in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses.

The Royal Commission is not required to inquire into or continue to inquire into a particular matter to the extent that it is 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.

With these matters in mind, the Royal Commission has requested that each State and Territory Government, as well as the Commonwealth Government, provide details of current

and concluded Inquiries over the last 20 years and all civil cases to which the respective government is currently a party where allegations of child sexual abuse in an institutional context have been made.

Separate arrangements are being made and have been made with each police force to assess and access their holdings concerning criminal investigations and prosecutions in order to accord with the Terms of Reference.

As Justice McClellan indicated, there are over 40 concluded government Inquiries which touch on the subject matter of this Royal Commission. Many recommendations have been aimed at improving the lives of children and reducing or eliminating child sexual abuse. The Royal Commission has commenced the task of gathering those recommendations and will soon seek information from those with responsibility to implement them so as to determine the extent to which they have been taken up and to evaluate the effectiveness of those which have been implemented.

Many of these Inquiries have been state based and necessarily the recommendations have been directed to the State Government. An important part of this Royal Commission's work will be to evaluate whether those recommendations and the changes they have introduced should or could be recommended to be implemented in other States.

The Royal Commission has commenced a broad research program and is in the process of appointing a panel to assist in determining the extent of published material relevant to the Terms of Reference, to identify any gaps in existing research and to assist in designing any necessary original research. The Royal Commission has already identified a number of areas of research and they include: determining the range of services available to survivors of child sexual abuse; considering avenues available for restorative and therapeutic justice; the prevalence of sexual abuse in an institutional context; compliance with Australia's obligations under the United Nation's Convention on the Rights of Child; organisational impediments to reporting and responding to allegations of child sexual abuse; the requirements for mandatory reporting of children at risk in each State and Territory; systems for overseeing the management of complaints concerning people working with children; the sentencing

regime that has applied and applies to sexual offences committed against children; the checks required by states and territories before people can be approved to work with children. The Commissioners have already been informed by one organisation of particular problems in this area.

As Justice McClellan has indicated, there have been a number of notices issued requiring the production of documents and information to the Royal Commission. It is expected that many more will issue over the next few weeks and, indeed, throughout the life of the Royal Commission. Also, as Justice McClellan has indicated, over the last two months, individual Commissioners have been consulting with peak survivor groups, as well as institutions falling within the Royal Commission's Terms of Reference. Commissioners have met with the National Congress of Australia's First Peoples as well as other representatives of indigenous communities. There have also been meetings with several of the Commissioners and the Federal, State and Territory Police Commissioners.

These meetings have provided insights into the potentially significant number of people who might come forward, the number of institutions that might be the subject of inquiry and the type and volume of information that may come to the Royal Commission, either voluntarily or under compulsion. Commissioners are also in the process of meeting some of the agencies who are responsible for overseeing the State's child protection responses, including Children's Commissioners.

Each Government has established contact points for working with the Royal Commission which should ensure that the process of gathering information from them is streamlined and efficient. The Royal Commission is also working closely with and providing information to advocacy groups to assist them to help their members in communicating effectively with us and I am grateful for their continued and valuable assistance.

The staff recruitment campaign which has begun includes the selection of community engagement officers to work, in particular, with indigenous communities and people living with disabilities.

I will now turn to how people's experiences and stories will be received by the Royal Commission. As

indicated, the Royal Commission Act has been amended and the amendments permitted to operate in ways new for Inquiries of this nature. The Royal Commission is very concerned to ensure that the processes it adopts are fair. To that end, the website now includes draft Practice Guidelines which set out the procedures which the Commission proposes to follow.

People with an interest in its work and the Terms of Reference are invited to comment on those draft Practice Guidelines. Comments from interested people and organisations should be made by 19 April to an email address which has been established, [solicitor@childabuseroyalcommission.gov.au](mailto:solicitor@childabuseroyalcommission.gov.au). That email address will be evident from the website.

The Royal Commission has now put in place systems which will allow it to receive the experiences and stories people wish to share. Trained staff are available to take calls and I invite and encourage individuals and organisations representing them to come forward. The staff are skilled in talking to people who may find the experience distressing and will be able to refer people to services in the community to support them.

There are a number of ways that people can tell their stories and tell of their experiences. They can telephone the Royal Commission on 1800 099 340 between the hours of 8 a.m. and 8 p.m. Callers will be asked for their contact details, the name of the institution they wish to speak about, an indication as to when the events occurred, although it is not expected that people will remember precise dates, as well as whether they have any particular needs that the Royal Commission should take into account when speaking to them, such as the need for an interpreter or any impairment that might need special access or requirements.

In addition, people can send a letter or a statement to the Royal Commission at GPO Box 5283, Sydney, New South Wales, 2001. Those who would like assistance in preparing a written statement should contact the Commission and will be given that help. Some people may want to speak with a Commission officer and have their story recorded and we will then transcribe it and take that as their experience. Others may want to tell a Commissioner in a private session, about which I will say more shortly.

Some people may want to describe their experience in a public hearing. Others may want to come to us in groups arranged by their support or advocacy group. Some people will have given evidence or information to another Inquiry and will want us to take into account that evidence or information, without having to repeat it. We will happily take their experience in that way. We also expect to hear from people who might describe themselves as whistle blowers or people from within institutions who want to give us the institutional perspective.

It is important that individuals be heard and understood and that their experiences be taken into account in order that there are better outcomes for the future. I am not able to estimate at this stage the number of calls and letters which might be received. However, I, too, expect it to be a significant number. Since November 2012 when the Royal Commission was announced and before the Letters Patent issued on 11 January this year, some thousand people had called the Prime Minister's hotline about the then proposed Royal Commission and 4,000 letters had been written about its terms, because it will be recalled that the Prime Minister established a consultation process for the proposed Royal Commission. In the 10 weeks since the Letters Patent have issued, as Justice McClellan indicated, about 1,200 telephone calls have been received.

Royal Commission staff will do their very best to respond to people who contact the Commission, as well as those who have contacted the hotline, as quickly as possible. However, it is inevitable that that may take weeks to do if, as I expect, we have large numbers of people wanting to talk and share their story. While I understand that people may have been waiting years if not decades to tell their story, I do ask that each of you be patient. We will get to you. The Royal Commission is not imposing any time limit on when people may contact it to indicate that they have an experience to tell. People's experiences and stories will be received throughout the course of the Royal Commission.

If people need legal advice or assistance to help them tell their story, the Commonwealth Government has provided funding to establish a National Legal Advisory Service.

That service will provide advice on the legal implications of providing statements and other forms of evidence, as

well as on general legal enquiries about dealing with the Royal Commission. The service will not represent people appearing before us but will offer referral advice and advice on accessing financial assistance for legal representation. Further details of this service will be made available on the Royal Commission's website.

Returning to private sessions, one of the ways that a person may tell of their experience, as I have indicated, and Justice McClellan has said, is to have a private session. The term "private session" comes from the legislation and what it really means is a meeting between the person and one or two Commissioners where they can tell their story. They can have a support person present with them but representatives of the institution or person about whom they wish to speak will not be present.

At this meeting, the person will be listened to and the Commissioner or a Commission officer present may ask some questions in order to understand what is being said and to obtain information that will help the Royal Commission in its work. It is understood that it may be very traumatic for many people to tell of their experiences.

Recent research reveals that childhood sexual abuse is associated with a broad array of adverse consequences for survivors throughout their lifetime. That research demonstrates the link between child sexual abuse and a spectrum of adverse mental health, social, sexual, interpersonal and behavioural as well as physical health consequences. With this in mind, Royal Commission staff will do what they can to reduce the trauma, including by having available trained counsellors. People will be encouraged to bring their own support person to meetings with the Royal Commission

At a private session a person will not be asked to take an oath or affirm to tell the truth, as one ordinarily does in a court, although it is of course, expected that they will tell the truth. The information provided will not be evidence before the Royal Commission and a private session is not a hearing of the Royal Commission. However, the information will assist in the conduct of investigations.

The Royal Commission will not make findings in respect

of any allegations made in a private session but I will say more later about the use of information provided in a private session. There are important protections for people who speak to the Royal Commission in a private session. Statements or disclosures made or documents handed over in a private session cannot be used in evidence in civil or criminal proceedings. This protection is also available to any support person who is present with the Commissioner's agreement and who makes a disclosure or provides a document.

There is protection by law against defamation proceedings being taken against people providing information at a private session. In order to protect people who have come forward and given information in a private session, the legislation states that they cannot be disadvantaged or prejudiced, including in their employment, because of having given that information.

The information given at a private session will be kept confidential by the Royal Commission, unless the person providing it agrees to it being disclosed or if Justice McClellan, as the Chair of the Royal Commission, believes that it is necessary to disclose information only to a law enforcement agency and only to prevent harm to any person.

All private sessions will be recorded and a transcript may be made of what was said to assist. On request by the person providing the information, access to that transcript may be given. Because a private session is by its very nature confidential, the legislation makes it an offence for a person giving information or attending a private session to disclose information obtained at it. Of course, there are necessary exceptions to this concerning use by the Royal Commission.

The Royal Commission expects to travel around Australia conducting private sessions and expects to listen to people in all capital cities and many regional areas. To provide settings which are less likely to be intimidating, the likely location for these sessions in regional areas, as indicated by Justice McClellan, will be local hotel/motel function rooms. While the Commission will try to accommodate everyone's preferences for how and when a private session is held, that may not always be possible.

Justice McClellan indicated that persons who have a concern about having entered into an agreement with a confidentiality clause should come forward. I can advise that I was very recently told by the Truth, Justice and Healing Council that they will be advising all of the dioceses and religious orders for which they act that no person should be held back from speaking to the Commission because of confidentiality instructions in agreements.

Having dealt with the ways in which people can come forward, can I then turn to the assessments and enquiries process which the Royal Commission has established. After there has been an initial call or after a statement or written account has been received, that person will be contacted by an officer from the Assessments and Enquiries Unit. The members of that unit will be the primary contact point for people who have expressed an interest in speaking to the Commission. That unit will make any enquiries that are necessary, including any enquiries of police to see if there are any current or concluded prosecutions that may be relevant to a person's story, and they will also help those who ask for assistance in either preparing a written statement or talking to them in order to record what they want to say and have it transcribed as their account.

The Royal Commission can communicate information provided to it to law enforcement bodies. This, of course, could include information provided in private sessions.

The Royal Commission will ask the person if they agree to information they have provided in private sessions being given to law enforcement bodies. That information will only be disclosed, as I have indicated, without first obtaining the consent of the person who gave the information if Justice McClellan as the Chair believes that that is necessary to prevent harm to any person. It will not otherwise be disclosed to anyone without the consent of the person who provided it.

If a person wants their account to be forwarded to the police for the police to investigate with a view to prosecution, the Royal Commission will liaise with the relevant police force to achieve that. As I indicated earlier, draft Practice Guidelines are on the website and comments are welcome as to their content. Subject to consideration of those comments, the following process is currently contemplated. It should be first understood when

considering hearings of the Royal Commission that this Commission is not a court and it does not decide criminal cases.

As Justice McClellan has said and as is clear from the website, the Royal Commission invites written expressions of interest from individuals and institutions who believe that they have a direct and substantial interest in the matters which are the subject of the Terms of Reference and who wish to apply to be granted leave to appear before the Royal Commission. If a person is seeking only to tell of their experiences or, further down the track, to make a written submission, they do not need to seek leave to appear and their interest will be separately registered.

As the Commission determines its program of public hearings, there will be published on the website details of upcoming hearings, including the subject matter to be covered during those public hearings. The individuals and institutions who have expressed an interest to be granted leave in relation to a subject matter which is to be dealt with in a public hearing, will be notified of the public hearing. There is further information about seeking leave on the website for those who wish to express an interest in having that leave granted.

The recent amendments to the legislation limit the use that can be made of information provided in private sessions. Therefore, if information provided in that forum is to form part of the evidence before the Royal Commission and is to be relied upon when considering what findings are made, there will need to be a more formal hearing. That hearing will be designed for the purpose of further investigation to test matters that have been raised and to allow the Commission to inform itself on relevant matters and issues that may be the subject of findings.

It is anticipated that there will be many people who will wish to tell of their story in a private session and have it go no further, but there will be some, perhaps many, who wish for their information to be the subject of findings. In a hearing, in order to permit the Commission to inform itself and make findings, the person who had given information in the private session will need to swear or affirm that what they have said in private is the truth and at that time or subsequently, and subject to the control of the presiding Commissioners, the person or institution against whom

allegations have been made will be given the opportunity to ask questions of the person.

They will also have the opportunity to give their own account of the relevant events, to have other evidence considered and to make submissions ultimately about the findings the Commission should make about those allegations. However, it is important to understand that a person who has given information at a private session will only give evidence at a public or private hearing if they agree to give evidence at a public or private hearing. They will not be required to do so if they do not want to do so.

Where the Commission has documents, information or evidence that it is anticipated will be tendered or given in a public hearing, and there is a risk of damage to the reputation of a person or institution arising from that public exposure, the Commission will generally adopt the following procedure. The person or a representative of the institution will be provided with the opportunity of being interviewed by Commission officers before the public hearing. As far as possible, the person or institution will be given advance notice of the names of the witnesses who might give evidence which could be adverse to them and a summary of that anticipated evidence.

As Justice McClellan indicated, leave will be granted to the person or institution to be legally represented. After being examined by counsel assisting and subject to the overall control of the presiding Commissioner, the person or institution will be entitled to be examined by their own lawyer and to apply for any other material evidence to be tendered or witnesses to be called. It follows then, that any legal representative of the person making the allegation may be entitled to ask questions of the witness.

More generally, in respect of public and private hearings, special arrangements can be made for the giving of evidence by witnesses where it is necessary to remove any contact with any alleged perpetrator or to reasonably meet any special needs or considerations. To the extent possible, public hearings of the Commission will be streamed live via the website, as is occurring today, and will occur in an electronic court environment. Transcripts of evidence in public hearings will be uploaded to the

website as soon as they are available, subject, of course, to compliance with any suppression order which may have been made.

The Commission is using a system called Ringtail to manage its documents and published on the website now is a Practice Guideline in relation to providing documents to the Royal Commission and those who are proposing to provide voluminous documents, either voluntarily or under compulsion are strongly urged to contact the Commission prior to doing so, so as to ensure that the information is provided in the best manner possible.

The Commission is not at this stage inviting submissions generally about the matters covered by its Terms of Reference. It will do so at a later stage and there will be public notice when that occurs. As I stated earlier and as Justice McClellan said, the Royal Commission is not a court and it is not a prosecutor. Its investigations will be conducted with the aim of understanding the response of an institution to an allegation of child sexual abuse. It will not make findings that a named individual was sexually abused by a named person within an institution.

It will, however, in appropriate cases and after according procedural fairness, make findings about the conduct of institutions and individuals within those institutions in responding to allegations of child sexual abuse.

Your Honours and Commissioners, the next phase of the Commission's work will be to hear people's accounts and I anticipate that many of those will wish to do so in a private session.

In conclusion, I repeat the invitation to everyone who wishes to tell of their experiences of child sexual abuse in an institution to contact the Royal Commission. Thank you.

JUSTICE McCLELLAN: Thank you, Ms Furness. Could you just repeat for everyone the phone number.

MS FURNESS: Certainly. The telephone number for the Royal Commission is 1800 099 340 and that telephone number can be called between the hours of 8 a.m. and 8 p.m.

JUSTICE McCLELLAN: And the postal address.

MS FURNESS: The postal address is GPO Box 5283, Sydney, New South Wales, 2001, and the website is [www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au), all one word, .gov.au.

JUSTICE McCLELLAN: Thank you. Ladies and gentlemen, that concludes these proceedings today. As we have indicated, the Commission will, from today, receive telephone calls and invites people to phone us. We will also receive written letters or statements from people from today and we encourage people who wish to approach us in that way to write to us. We will then immediately embark on a process of analysis of the material that is coming to us from individuals. As we have indicated, we have commenced the process of seeking documentary material from institutions and as we begin to analyse and put that information together, a program of private sessions followed by public hearings, will be developed.

As we have indicated, the task we have is large, the issues are complex, but we are now in a position, now that we have trained people and access to counsellors for those who may have been traumatised by their experience, we are now in a position to actively begin the work of gathering the stories and examining the responses of institutions. I thank you for coming today and the Commission will now adjourn.

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