



UNDER EMBARGO: UNTIL 12:30PM, WEDNESDAY 18 FEBRUARY

KEYNOTE ADDRESS AND LAUNCH:

LONG TERM OUTCOMES OF FORGOTTEN AUSTRALIANS STUDY

Wednesday 18 February

Justice Peter McClellan

**Commissioner, Royal Commission into Institutional Responses to Child
Sexual Abuse**

INTRODUCTION

Today is an important day for the people who we have come to know as the Forgotten Australians. With the commencement of the Long Term Outcomes of Forgotten Australians Study comes another step in understanding the needs of a large group of Australians who for various reasons have been disadvantaged and many of which have endured great suffering.

This research comes at a time when the Australian community has come to engage more than previously with a largely unknown part of our national history.

Although various inquiries and reports have examined issues related to the experiences of children in institutions - including institutional care, foster care, child migration, and the child protection system in some of the states and territories - there has remained a relatively limited public knowledge of the nature of these experiences and the life-long

consequences for those who spent some or part of their childhoods in out-of-home care settings.

Early in my time as Chair of the Royal Commission I acknowledged publicly that it was not until I began my work with the Commission that I came to adequately appreciate the devastating and long-lasting impacts which the sexual abuse of children can have. I am sure that my lack of an adequate understanding was shared by many in the community.

By 'bearing witness' to the personal stories of survivors through the Royal Commission's public hearings and reports, we are contributing to a greater community understanding. The primary research project which I am pleased to launch today will add to the understanding of these issues and help to ensure that the mistakes made in the past are not repeated. Importantly, it will help to identify the response which the community must make.

The Long Term Outcomes of Forgotten Australians Study is designed to increase our understanding of the experience of the many children who were hidden in institutions and forgotten by society. For many children who have spent time in institutions, their experiences were characterised by neglect, maltreatment, deprivation and loss of identity, making the transition into adulthood especially challenging. These children were again forgotten when it came time for them to leave the institution. They were left to fend for themselves having had no preparation for life in the 'outside world'. For some the trauma of their experience may never go away.

This study directly addresses the need for the community to gather a store of knowledge that can be drawn upon; knowledge which can be used to shape the care experience in a way that enriches the good outcomes and reduces the negative outcomes.

Unlike the Royal Commission, where we have terms of reference which limit our focus to child sexual abuse, this research will examine the complete experience of children who spent time in care during the period of 1930-1989, both positive and negative. This is a significant opportunity to learn about the experience and life outcome of many of the people we recognise as Forgotten Australians.

Out of home care

Both the Royal Commission and the LOFA study have a common interest in the experiences of children in care institutions and out of home care. Of the around 3000 private sessions the Commissioners have now held, many survivors have reported physical and psychological abuse as well as sexual abuse.

In the 22 public hearings we have held we have examined many residential institutions. These have included Salvation Army boys homes, Christian Brothers residences in Western Australia, Parramatta Girls Home, the Retta Dixon Home in Darwin and Bethcar Children's Home at Brewarrina.

We have examined allegations of abuse which happened some time ago as well as recent abuse.

We believe that it is necessary that the history of children's homes in Australia is fully explored. The community should understand the suffering of many Australian children who went through residential and out of home care.

It is not only necessary for the Royal Commission to look at these issues in order to fulfil our terms of reference but it is a story that needs to be told for the Australian people. As has been the case in Ireland, until recently the community had little idea of the extent of abuse, physical, psychological and sexual, many children experienced in children's homes for much of the 20th century.

Children's homes were one of the significant means of care from the 1920s up until the 1970s. In Australia, half a million children were placed in care during this time, a period when there was relatively little support for families in need.

By the 1960s the notion of child protection re-emerged as a social concern in Australia and in other western countries which triggered responses through the 1970s to the 1990s.

Out-of-home care moved from institutions and was increasingly provided by foster parents and smaller group care.

By the 1990s greater emphasis was placed on the prevention of problems. The definition of child abuse was expanded. Neglect was included in mandatory reporting provisions.

As I understand the LOFA research it will seek to apply its learnings to contemporary settings. The Royal Commission must also look at these issues, in particular out of home care.

In March we will be holding a public hearing that will be focused on preventing and responding to allegations of child sexual abuse in out of home care. This will be the first public hearing of the Royal Commission which has policy issues as the primary focus.

The hearing will look at the incidence of child sexual abuse in contemporary out-of-home care settings. In addition, it will examine how Australian government and NGO service providers recruit and train carers and look at the system and policies in place for reporting and responding to allegations of abuse.

The hearing will be held here in Sydney but we will be examining the work of providers from every State and Territory.

We have already commenced our work in this area. In 2013 we released an issues paper on preventing sexual abuse of children in out of home care. In April 2014 our first roundtable focused on the same issue. It is the hope of the Commissioners that after these and other consultations, this hearing will help move progress the debate about best practice in prevention of abuse and responding effectively to allegations.

REDRESS AND CIVIL LITIGATION

The Long Term Outcomes of Forgotten Australians Study will help identify the current unmet needs of care leavers and to determine the best ways to support them.

This research complements the Royal Commission's work in this area and we expect that its findings will help to inform our final recommendations.

Last month the Royal Commission released a consultation paper on redress and civil litigation. The provision of services to meet the needs of survivors, including funding when needed for counselling and psychological care, was identified in the paper as one of the three elements of effective redress. The other two elements are a personal response by the institution to the survivor and a money sum paid in recognition of the wrong done to the individual.

Many institutions have acknowledged that their previous response to survivors has been inadequate. Many survivors continue to have a pressing need for assistance. For these reasons, the Commissioners accepted that we should consider the issue of redress and make final recommendations in relation to it as soon as possible.

It is important to emphasise that although it appears that governments must accept a broader role in providing effective and fair redress, the primary responsibility is with the institution, whether government or otherwise, in which a survivor was abused. That institution must provide

an appropriate personal response and be responsible for funding the counselling and money sum for each person abused in that institution.

There are many considerations relevant to the appropriate money sum, including fairness and affordability. The consultation paper considers various options with a cap of \$100,000, \$150,000 or \$200,000. These are used to assist an understanding of the situation. Of course, other options may be appropriate.

Commissioners know from our work in private sessions that some survivors will need lifelong counselling and psychological care, while others will need care from time to time. There are existing services, including specialist sexual assault services and public funding through Medicare, that help many survivors to obtain at least some of the counselling and psychological care that they need. However, we have learnt that existing services are not adequate and that there are a number of service gaps.

The Commissioners believe that as a general principle, as part of any redress system, counselling should be available throughout a survivor's life and available on an episodic basis or as needed.

We have considered options for the formation and ongoing management of a redress scheme. It is clear that a scheme should be structured so that the decision making about redress is independent of the institution in which the abuse occurred.

It is clear that survivors want a scheme that will treat them fairly and equally, regardless of the institutions in which they were abused. After all, why should a survivor of a home that no longer exists receive less than someone who was abused at a school or in a church?

In the consultation paper we discuss some possible options which might ensure that survivors' needs for counselling and psychological care are met. One option is to significantly expand the public provision of appropriate counselling services, either through changing Medicare requirements or through a stand-alone government program. Another option is to establish a trust fund that would operate as part of a redress scheme. It is important that any counselling and psychological care provided through redress should supplement existing public services, and not displace or compete with them.

While counselling and psychological care provided under a redress scheme would provide for survivors of child sexual abuse there would undoubtedly be flow-on benefits for others with significant childhood or adolescent trauma, as a result of their experience as a Forgotten Australian. I anticipate that with additional funding the pool of competent trauma counsellors will increase which can only be of benefit to all who need help, whether sexually abused or not.

There are already a range of support services that are of benefit to survivors including non-therapeutic services. A particular concern of many people is to have help in accessing personal records and

photographs. Many need enhanced life skills and assistance with housing and employment.

The Royal Commission is conducting a separate project to investigate how adequate our present support services are in meeting survivors' needs. It will consider whether recommendations should be made to increase or alter existing support services.

Commissioners have been impressed by the work of many organisations that support survivors. Existing services are highly valued by many survivors. Some elements of a redress scheme may overlap with services provided by existing organisations but the recommendations of the Royal Commission are not intended to reduce or divert vital resources for these organisations. Rather, when necessary, we will encourage those resources to be enhanced.

Much of the discussion after the Commissioners released the consultation paper centered on the figure of \$4.378 billion, which we estimated was the total cost of redress nationally. This was based on modelling that assumes 65,000 eligible survivors receiving average payments of \$65,000.

A couple of weeks ago the group Adults Surviving Child Abuse (ASCA) released a report they commissioned from Pegasus Economics that assessed the cost of not appropriately addressing the needs of adult survivors of childhood trauma and abuse in Australia.

The assumption in the report is that childhood trauma, including child sexual abuse, can have short-term as well as life-long impacts if unaddressed. The impacts they describe are the impacts the Commissioners often see in our work; drug and alcohol abuse, mental health issues, social and economic issues.

The economic modelling puts a number on this cost to Federal, State and Territory Governments at \$6.8 billion annually.

The report concludes that if all forms of childhood trauma are taken into account the minimum savings from successfully addressing childhood trauma in adults is \$9.1 billion.

As we assess the cost of any future redress scheme we must not lose sight of the context including the wider economic and societal impact of child abuse.

COMMUNITY CHANGES

Thankfully many institutions have now come to recognise the traumatic and destructive impact of child sexual abuse. Although other societal forces are operating the work of the Royal Commission is bringing a variety of changes. Since the Royal Commission's public hearings began, several institutions have taken responsibility for past wrongs, and have publicly apologised for the hurt and suffering they caused children in their care.

Some have responded by reconsidering the response which they may have made to the needs of survivors in the past. For example, the

Christian Brothers have reopened 80 previously settled cases of child sexual abuse that occurred at the institutions it operated. New settlements have been reached in 14 cases and mediation meetings have taken place in 20 cases. The Salvation Army and some Anglican and Catholic diocese have embraced a similar response.

I understand the NSW Government will soon introduce 18 Guiding Principles to guide how NSW agencies respond to civil claims for child sexual abuse. Claims will, in future, be finalised as quickly as possible. Delay in response can be a damaging experience for many who have been traumatised.

At a community level we are seeing evidence of cultural and attitudinal change towards sexual abuse. The work of the Royal Commission has played an important role in this change.

Karen Willis, the chief executive of Rape and Domestic Violence Services Australia, has said that the Royal Commission has helped remove the shame felt by victims of child sexual abuse. We are encouraged by her comment that the Commission has got people talking, and is encouraging people to seek support. She says more people are calling the Rape and Domestic Violence Service as a result.

The director of Bureau of Crime Statistics and Research, Don Weatherburn, attributes the Royal Commission with encouraging more victims to come forward, which has led to an increase in reported indecent assaults in NSW.

The Royal Commission itself has referred nearly 500 matters to authorities, including police.

Calls to the Adults Surviving Child Abuse helpline have quadrupled since the start of the Royal Commission with almost 100 people contacting the helpline each week. The President of ACSA, Dr Cathy Kezelman has said the Royal Commission had encouraged more people to come forward.

There are many other changes we can see occurring in society, including the review by the Australian Olympic Committee of its policies and practices and the response of the YMCA and other child care providers to some of our findings.

RESEARCH

The Royal Commission is undertaking a significant volume of original research and will also draw upon the completed work of others.

When our research and policy work commenced we recognised that our task was to develop a research agenda that fully addresses our terms of reference and has a balanced focus on historical, current and future issues.

We have already published a number of research papers including papers that relate to out of home care prepared by Professor Shurlee Swain of Australian Catholic University. The report 'History of Institutions providing out of home residential care for children,' examines the history of the many different types of institutions providing out-of-home care for children from 1788 to the de-institutional movement of the 1980s. It

sheds light on the complex mix of government, church, charitable and community organisations that have provided care.

Another research report examines ways to reduce child-on-child sexual abuse, as well as abuse perpetrated by caregivers.

There are several other projects being scoped or which are underway in the out of home care area, which we will publish in due course.

I welcome and express the Royal Commission's support for the work which is being undertaken in the Long Term Outcomes of Forgotten Australians Study. The need to examine the present, and the current needs of adults who went through institutional care is undoubted. The research will prove to be of great value for those who have suffered and those who must respond to their needs.

These people have come to be collectively known as the 'Forgotten' Australians. Although forgotten, voice is increasingly being given to them through the work of survivor groups, public inquiries, academics, redress schemes and the Royal Commission. I have no doubt that the study which I am pleased to launch today will strengthen that voice.