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Research article

The Australian Royal Commission into Institutional Responses to Child Sexual Abuse

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ABSTRACT

The Royal Commission into Institutional Responses to Child Sexual Abuse is the largest royal commission in Australia's history and one of the largest public inquiries into institutional child abuse internationally. With an investment from the Australian government of half a billion dollars, it examined how institutions with a responsibility for children, both historically and in the present, have responded to allegations of child sexual abuse. Announced in the wake of previous Australian and international inquiries, public scandals and lobbying by survivor groups, its establishment reflected increasing recognition of the often lifelong and intergenerational damage caused by childhood sexual abuse and a strong political commitment to improving child safety and wellbeing in Australia. This article outlines the background, key features and innovations of this landmark public inquiry, focusing in particular on its extensive research program. It considers its international significance and also serves as an introduction to this special edition on the Australian Royal Commission, exploring its implications for better understanding institutional child sexual abuse and its impacts, and for making institutions safer places for children in the future.

1. Introduction

The Australian Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) is a public inquiry that warrants close attention from the international community. The largest royal commission in Australia's history, measured by financial investment, length of operation, volume of evidence taken, and number of commissioners, witnesses and submissions, it is one of the most important public inquiries into institutional child abuse globally, comparable in significance and impact to the Commission to Inquire into Child Abuse (the Ryan Commission) in Ireland, which reported in 2009. As with that inquiry, which revealed endemic abuse in once revered Irish church and state institutions (Commission to Inquire into Child Abuse, 2009; O'Shea, 2012), the Australian Royal Commission has laid bare the sobering reality of institutional child sexual abuse and its often profoundly negative impact on individuals, families, and communities.

The Royal Commission's *raison d'être* is to create a safer future for children and to provide justice for victims. It was established in 2013 with terms of reference that required it to examine how Australian institutions have responded to the sexual abuse of children. It was also charged with making recommendations about what institutions and governments should do to address and alleviate the impact of past and future child sexual abuse (Governor General of Australia, 2013). In developing its work, it drew on existing inquiry models and methods. It also pioneered new innovative approaches.

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Through public hearings, private sessions and an extensive program of research, the Royal Commission has undertaken an investigation of unprecedented scale and scope, one that is likely to have a significant impact and an enduring legacy in Australia and beyond. With a budget allocation of half a billion Australian dollars (AUD), it reflects a significant investment by the Australian government in child safety. The Royal Commission has identified systemic issues and will make recommendations aimed at ensuring that institutions adopt best practice approaches to protecting children, preventing abuse and providing a just response to victims ([Royal Commission into Institutional Responses to Child Sexual Abuse, 2014](#)). Recommendations for redress and legislative reform have already been made and the final report will make further recommendations for changes in policies, practices and systems to prevent institutional child sexual abuse, and better respond when abuse does occur.

This article outlines the background and key features of the Royal Commission, focusing in particular on its innovative research program. Its role in increasing public awareness of child sexual abuse and fostering legislative, policy and practice reform in Australia, is also briefly noted. In examining the Royal Commission the article explores its implications for better understanding institutional child sexual abuse and its impacts, for making institutions safer places for children in the future, and for issues of justice. The article also serves as an introduction to this special edition of *Child Abuse & Neglect*. Each article addresses a distinct but related subject area. Collectively, they provide an insight into the range of issues addressed through the Royal Commission and the historic and international significance of this landmark public inquiry.

2. Background to the Royal Commission

The Royal Commission was announced in the wake of a series of inquiries into state institutions that is usually seen as beginning with the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families that reported in 1997 ([Human Rights and Equal Opportunity Commission, 1997](#)). In its focus, however, it also owes much to ‘The Paedophile Inquiry’ conducted as part of the Wood Royal Commission into the New South Wales (NSW) Police Service which reported in the same year ([Royal Commission into the New South Wales Police Service, 1997](#)). Three of the six volumes of the report of the Wood Royal Commission focused on child sexual abuse. By contrast, in the various inquiries into past welfare practices in Australia child sexual abuse was rarely mentioned in the terms of reference but rather emerged from testimony as one of the forms of abuse that were endemic in the system – physical, sexual and psychological abuse and emotional deprivation and depersonalization ([Australian Senate Community Affairs References Committee, 2001, 2004](#); [Forde, 1999](#); [Human Rights and Equal Opportunity Commission, 1997](#)). In none of these earlier reports was sexual abuse the primary focus, but rather it was positioned as one of a number of emotionally and physically abusive practices, labour exploitation and neglect for which people who experienced out-of-home residential ‘care’ as children (‘care leavers’) – demanded redress ([Australian Senate Community Affairs References Committee, 2001, 2004](#)).

However, when the state of South Australia established its own inquiry in 2004 sexual abuse was the core concern. Alongside deaths in care, it had become the primary focus for investigation ([Mullighan, 2008](#)). That inquiry determined that the sexual abuse of children had taken place in all types of ‘care’ since the 1930s, “challenging both those who wanted to position it as a relatively recent phenomenon and those who wanted to confine it safely to the past” ([Swain, 2015, p. 85](#); see also [Bevernage, 2010](#); [Musgrove, 2015](#)). Child sexual abuse was also the focus of a subsequent inquiry in the state of Victoria ([Victorian Parliament Family and Community Development Committee, 2013](#)). The Victorian inquiry into the handling of child abuse by religious and non-government organizations, moved the focus beyond children in the care of the state. It concluded that children had been the victims of sexual offending throughout history and across all types of organizations that gave perpetrators access to minors. This was important in providing the basis for the Royal Commission’s broad definition of ‘institutions’ in its terms of reference ([Victorian Parliament Family and Community Development Committee, 2013](#)).

It was the evidence presented to the Victorian inquiry, along with extensive media coverage and the announcement of another state based inquiry into allegations of sexual abuse, this time in the Catholic Diocese in the Hunter region of NSW ([Cunneen, 2014](#)), which provoked the then Prime Minister, Julia Gillard, to establish the Royal Commission, a level of inquiry not granted to other groups who had sought redress for abuse in institutional ‘care’. Royal Commissions in Australia, as in the United Kingdom and Canada, are independent ad hoc bodies appointed by government under legislation that confers considerable investigative powers, including the capacity to compel and cross-examine witnesses, subpoena documents, and protect people who give evidence ([Aroney, 2014](#)). They are the highest and most prestigious form of public inquiry within the Australian political system ([Prasser, 2006](#)).

Prior to its establishment, there had been considerable community level organization and activism and media campaigning for a Royal Commission ([Budiselik, Crawford, & Chung, 2014](#)). While momentum had been building, the tipping point was allegations made by a senior police detective on national television on 8 November 2012 of alleged corruption in the Catholic Church in relation to reporting incidents of child sexual abuse in the Hunter region of NSW ([Coorey & Tovey, 2012](#)). The NSW inquiry was announced the following day and the national Royal Commission several days later, on 12 November 2012 ([Cullen, 2012](#)). The Royal Commission was charged with confronting society’s unwillingness to accept the prevalence of child sexual abuse and challenging the structural arrangements that enabled it to remain hidden for so long ([Middleton et al., 2014](#)). Its establishment points to the now unquestioned representation of child sexual abuse as the worst form of child victimization in late modernity, the most fundamental violation of the innocence and vulnerability of children ([McAlinden, 2014](#)).

3. The work of the Royal Commission

The Royal Commission was formally established on 11 January 2013 with the release of the terms of reference and the

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