

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Standing Orders Suspension — Motion

On motion by **Mr D.A. Templeman (Leader of the House)**, resolved —

That so much of the standing orders be suspended as is necessary to enable, on Wednesday, 27 June 2018, the Premier and the Minister for Child Protection to make statements up to a maximum of 15 minutes each concerning Western Australia's response to the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse, and for the Leader of the Opposition, the Leader of the Nationals WA, and then any other member to be able to make statements in reply up to a maximum of 15 minutes each until 2.00 pm, unless concluded earlier.

Statement by Premier

MR M. McGOWAN (Rockingham — Premier) [12.08 pm]: Before I begin, I acknowledge the survivors of child sexual abuse who are in the gallery of Parliament today.

I rise today to announce the Western Australian government's response to the Royal Commission into Institutional Responses to Child Sexual Abuse. The royal commission has been a feature of public life in this nation since 2013. The commission was a difficult, solemn and worthwhile undertaking that has shone a light on the experience of thousands of Australians who had been ignored by society for so long. Night after night, Australia has heard the stories of survivors of unimaginable abuse; abuse that for decades had been swept under the rug and ignored; and abuse of children by those charged with their care and protection. It was an incredible failure of the institutions that our nation trusted. The abuse occurred in schools, boarding houses, sporting facilities, swimming pools, beaches, the bush, social services and the armed forces; in religious institutions across faiths and denominations; and in the Salvation Army, YMCA, scouts and Swimming Australia. It was a pattern that no-one saw or wanted to see. What shocked our nation is that the places and the institutions where abuse occurred were so normal, so common and so Australian—institutions woven into the fabric of society. The abuse was hidden in plain sight. Widespread abuse and inaction on the claims and reports of survivors were normalised. The reputations of the institutions and accused were put ahead of the interests of children. Reputations of institutions and the accused were put before justice. Make no mistake, this is not the case of a few isolated incidents in an otherwise healthy system. This was an endemic problem.

The numbers from this Royal Commission into Institutional Responses to Child Sexual Abuse are astounding and expose the lie of a few bad apples for what it is. The commission was contacted by 16 953 people who were within its terms of reference. They heard from 7 981 survivors of child sexual abuse across 8 013 sessions. They received 1 344 written accounts. They referred 2 562 matters to police; 3 489 institutions were the subject of allegations of abuse; and 58 per cent of survivors said their abuse happened in a religious institution and 32.5 per cent said it happened in a government-run institution. The average age of a survivor's first abuse was 10 years old. Over 20 per cent of survivors experienced abuse in more than one institution, and 14.9 per cent of survivors identify as Aboriginal or Torres Strait Islander. Each of these 7 981 survivors who told their story are more than a statistic. Each one has their own devastating story and only they will know the true horror and impact of what happened to them. Let us not forget there are countless more who chose not to tell their story and those who passed before they ever got their chance. Just as we cannot ignore the crimes that have been reported, equally we cannot ignore the breach of trust that has occurred in our nation. These institutions, whether religious, government or otherwise, have been important civic cornerstones for many generations. Institutions and the individuals within them have commanded respect and deference. For those institutions to rely on that respect and deference to protect and hide those who have committed crimes is a gross breach of society's trust and that trust must be rebuilt.

While much of the coverage has focused on interstate experiences, Western Australia has had its share of horrors. Case study 11 concerning Christian Brothers' institutions at Castledare, Clontarf, Tardun and Bindoon make for harrowing reading. It is disturbing testimony of the kind of abuse that occurred and the conditions children were kept in in remote corners of Western Australia across multiple decades. Allegations were made of sexual abuse against 16 named brothers at one or more of the institutions. Eight brothers were named as perpetrators at more than one institution. There was a concerted campaign of physical and emotional intimidation, keeping children in a state of constant terror to conceal that sexual abuse. Case study 12, which deals with an independent Anglican school in Western Australia, reminds us that child sexual abuse in institutions is not a problem of the past alone. Between 1999 and 2005, parents and fellow teachers made eight complaints to school leadership about a teacher at the school. Action to stand the teacher down with pay was only taken when complaints were made by a former student in 2009. Ultimately, the teacher was found guilty of 13 counts of indecently dealing with five children under the age of 13. The commission noted the pattern of behaviour of the offender: grooming children in his class who were new to the school and who were naturally socially isolated and, in turn, further isolated due to the bullying they received from the extra attention. The teacher would also strike up friendships with the victims' mothers, making it more difficult for the victims to report the behaviour to their parents. Shockingly, the school did not notify the police until 2009 despite the complaints from both teachers and parents. The only prior action it

took against the teacher was to write to him outlining the concerns. In the final report, an excerpt of testimony from one unidentified woman, which has stayed with me, describes how she felt abandoned by the rest of the community. It reads as follows —

I have never really been able to come to terms with the part society played—or didn't play, I guess being the point. You know, the people turning the blind eye, people not recognising things when they were in a position that they should have been educated to recognise. People not wanting to listen. People putting their own businesses or money or schools above the health and wellbeing of a child. These are the things that I find hard to forgive.

I do not blame her. We cannot make this right. We can never undo what has happened. The knowledge of that is a burden we must bear and will not erase from history, but we can do our best to make amends and ensure it is never repeated. I would like to state simply: on behalf of the Western Australian government, I apologise unreservedly for the sexual abuse of children in Western Australian government institutions. The government had a duty of care to the children in its protection, and the state of Western Australia failed in that duty. For that, I apologise. More broadly, for children in WA who experienced sexual abuse in any institution, I apologise. You experienced something horrible—unimaginable to many of us here. You had your innocence stolen, your faith and trust in society broken, and authorities did not recognise the pattern. For that, the government of Western Australia and myself are truly sorry.

While no amount of money can make up for what has occurred, we recognise that redress is an important element for our nation moving forward, so today I am formally announcing that Western Australia will be joining the National Redress Scheme. Following extensive negotiation with the commonwealth, the state of Western Australia has resolved its issues with the scheme and we can join knowing the concerns of Western Australians have been addressed. We hope redress will go some way towards recognising what you endured and lived with and treat you with the dignity and respect you have always deserved. We hope it will go some way to providing support to survivors if they need it. Legislation required for our participation in the scheme will come to Parliament in coming months. However, Western Australians will be able to apply for redress from 1 July 2018—this Sunday. Although last year WA removed the statute of limitations for pursuing justice for historical sexual abuse through the courts—that bill will receive royal assent on 1 July—this Sunday, we want Western Australians to be able to access redress through the national system if that is what they prefer, without the need to engage lawyers, without the need to give evidence and relive the past in a court, and with support provided by the commonwealth government whilst they do so. Although we acknowledge the additional time taken for WA to announce it is opting in, we want all affected Western Australians to have the option of seeking the redress that they deserve without the additional burden of litigation.

I thank Attorney General, John Quigley, MLA, and the Minister for Child Protection, Simone McGurk, MLA, for the work they undertook to ensure every Western Australian who deserves redress can access it. Many people have been in contact with the prison system in recognition of how the abuse they survived can impact the rest of their lives. Those who were brought to Western Australia by the commonwealth as child migrants were left vulnerable at the hands of those who were meant to protect them.

The next step is to ensure this cannot happen again. Current and future generations of children cannot be subject to the same neglect of endemic abuse of past generations. The royal commission has taken five long years to do its work, and over those years, it has done difficult but extraordinary work and earned the trust of those who had campaigned for a royal commission over so many years. It is now the responsibility of governments and institutions to deliver on that work, and the Western Australian government will deliver. The Minister for Child Protection will follow shortly with more of our response to the recommendations applicable to the state government. Although change will not be instant, there will be change. As the final report states, the sexual abuse of a child is intolerable in a civilised society. Never again can our government or institutions turn a blind eye to abuse or, worse, hide the perpetrators. I am sure I speak for all Western Australians when I say this can never happen again, and we are truly sorry for what has occurred.

Statement by Minister for Child Protection

MS S.F. MCGURK (Fremantle — Minister for Child Protection) [12.22 pm]: The community has a right to expect that our children are safe, especially within the institutions entrusted to protect, educate, care for and nurture them. For five years, the Royal Commission into Institutional Responses to Child Sexual Abuse uncovered cases in which institutions, government and non-government, failed to meet this expectation. It uncovered trauma inflicted upon childhood after childhood. The experiences that emerged have been alarming. They have shone truth on what has been hidden for a long time—historic and contemporary cases of child sexual abuse within institutions, and a concealment of evidence that has provided a refuge and protection for offenders. These experiences, and the courage shown by those who have come forward to create change, cannot and will not be ignored by the McGowan government.

In speaking to the McGowan government's response today, I must begin by acknowledging the survivors of sexual, physical and emotional abuse, some of whom join us today in the gallery. I recognise that sometimes in sharing their experiences, they have not been believed. I recognise that sometimes they have been alienated further, and sometimes it has been too much. I want to further acknowledge in this place those who are no longer with us today to see these events unfold. To their families and loved ones, to those who they live on through, I also acknowledge and pay my sincere respects.

As Minister for Child Protection, I know that the majority of carers have been, and still are, decent, honourable people who continue to open their hearts to care for vulnerable children. However, I also acknowledge that some carers have abused the trust placed in them. They have preyed upon our children. As the Minister for Child Protection at the conclusion of this royal commission, I feel personally compelled to acknowledge on behalf of the state government that some children who were placed in the care of the state were abused; that these children were hurt through no fault of their own; that their cries for help fell on deaf ears, and were dismissed as untruths; and that the state failed to protect its most vulnerable citizens when they needed us most.

In 2007, the then Labor state government announced a redress scheme called Redress WA to recognise the sexual, physical and emotional harm inflicted upon children who were placed in the care of the state. Today, I acknowledge that many people were hurt further by Redress WA following a change in government and the previous government's decision to reduce payments. This was never the original intention of Redress WA. As the state Minister for Child Protection, I apologise for the further hurt and pain this has caused. But, most importantly, as the Minister for Child Protection at the conclusion of this royal commission, I am committed to ensuring that the widespread scale of abuse that has occurred does not happen again. I will ensure that the recommendations do not sit in a report on a shelf. I will ensure that this government implements the recommendations to the best of its ability. The royal commission has presented us with a unique opportunity. It has brought all these issues to the surface and laid them on the table for all to see. There is no hiding from what has happened in the past. Although these conversations have been hard and confronting, we are determined to see them create significant change.

Today I stand before the house to speak to the government's response to each of the 409 recommendations made by the royal commission. It is important for all of us in this place to remember that these recommendations have been formed from the 42 041 calls handled by the royal commission; the 25 964 letters and emails received; the 8 013 private sessions held; the 59 research reports; and the 57 public hearings and case studies developed. This task has not been easy, and I thank the commissioners for their role in developing it. I am proud to state to the house that in response to the evidence and subsequent recommendations, the McGowan government has accepted, or accepted in principle, 93 per cent—or 289 of 310—of the applicable recommendations. We have not rejected one recommendation. In the interests of being transparent, 21 of the recommendations require further consideration due to a range of reasons including the complexity of the issues, the legislative framework underpinning them and the way in which they relate to national initiatives. We will continue working on those recommendations that require further consideration, and will now work towards the delivery of a staged implementation plan of the recommendations. The plan will outline reform priorities, time frames and resourcing options. We will ensure that this work is collaborative, methodical and rigorous, because the McGowan government is committed to building a community where children are safe. The government will publish a progress report on the recommendations that will be tabled in Parliament at the end of this year and annually thereafter.

I would like to take this opportunity to place on record my thanks and appreciation to my cabinet colleagues, the staff in their offices, and the many public servants across departments who have all contributed to this whole-of-government response. I am acutely aware that the McGowan government's response to the royal commission does not change what happened to those who have endured, it does not right the wrongs of the past, and, unfortunately, it will not result in the complete protection of children overnight. Although that work has begun within government, there is still a lot of work in front of us and the whole community. Change will not be instant, but we are committed because the importance of this work is clear—keeping children safe is the highest priority. I hope that our response today, and our intentions laid out in this area sends a very strong message to those who have a connection to the issue of child sexual abuse: this government has heard your experiences, we recognise your pain, and we are going to act to make sure that your experiences are not repeated.

In closing my remarks now, I want to share with the house an anecdote from the *Message to Australia* book on the royal commission website, which includes over a thousand personal messages from survivors who provided evidence to the royal commission. Message 146 starts with a poem titled "Who will cry for the little boy?" by Antwone Fisher. The poem reads —

Who will cry for the little boy?
Lost and all alone.
Who will cry for the little boy?
Abandoned without his own.
Who will cry for the little boy?
He cried himself to sleep.

Who will cry for the little boy?
He never had for keeps.
Who will cry for the little boy?
He walked the burning sand.
Who will cry for the little boy?
The boy inside the man.
Who will cry for the little boy?
Who knows well hurt and pain
Who will cry for the little boy?
He died again and again.
Who will cry for the little boy?
A good boy he tried to be
Who will cry for the little boy?
Who cries inside of me.

Following the poem are the handwritten words of a survivor, who writes —

I'm standing up for the little boy who at the time had no-one to stand up for him. I only wish we could hold the people who harmed me accountable.

I believe that today, the McGowan government is standing up for survivors of child sexual abuse, and I encourage everybody to join us in this important work. I thank the house.

Statement by Leader of the Opposition

DR M.D. NAHAN (Riverton — Leader of the Opposition) [12.30 pm]: I respond on behalf of the opposition, but I would like to first note that the opposition has been given no formal briefing on the government's response to the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse and, indeed, for only a matter of hours has it had access to the Premier's and the Minister for Child Protection's speeches. The details of the government's response have been available to us for less than an hour. Within the parameters of the limited time frame and on behalf of the opposition, I acknowledge the government's response to the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

I note that the government has accepted, or accepted in principle, 93 per cent—or 289 of 310—of the applicable recommendations and will join the commonwealth redress scheme; I welcome that. At the outset, can I commend those victims of child sexual abuse and their families who have presented to the commission for their bravery and willingness to talk about this most difficult of subjects. For some, it was the first time they had spoken of the hurt that they had had to endure. Others never had the opportunity; the trauma inflicted saw many victims' lives end prematurely, many at their own hand. We owe it to those victims and their families, as the then Prime Minister Julia Gillard articulated when she announced the royal commission, to make sure that the terrible wrongs that have been done in the past to children in our country, to the greatest extent, never happen again.

I also commend the commissioners and all the staff of the royal commission for their work. To hear the evidence they have heard about the extent of the pain and trauma inflicted on the victims of child abuse day after day after day would have been extremely difficult. Their comprehensive report and its recommendations for governments and institutions is a credit to their diligence and application to an extremely difficult job—well done.

Today, the state government has provided its response to those recommendations. Although the opposition will take time to review the state government's response, we will welcome any improvements that enhance safety, protect children and ensure that every possible measure is taken to eliminate the incidence of child sexual abuse. I am pleased that the government will participate in the National Redress Scheme. It is incumbent on both the government and all institutions involved to participate in the redress scheme and to provide the necessary support to victims of child abuse.

I join with the Premier in apologising for past wrongs. I am deeply sorry that previous governments and institutions turned a blind eye to the horrible crimes perpetrated on children. I am sorry that when children spoke up, they were ignored. On 22 October 2018, to coincide with National Children's Week, the Prime Minister will deliver a national apology to the survivors, victims and families of institutional child abuse. I encourage the Premier to set aside time during the first sitting day after 22 October for the Legislative Assembly to make its formal apology. As the Prime Minister said recently, we owe it to survivors not to waste this moment of national reckoning. We must ensure that we continue to support those who experienced these evil deeds, and ensure that no more children suffer in the same way.

It is incumbent on every government, institution, member of Parliament and, indeed, every member of our community to now make sure that we explicitly prioritise children’s safety and wellbeing. Nothing less is acceptable. As was stated in the royal commission’s report —

The sexual abuse of any child is intolerable in a civilised society. It is the responsibility of our entire community to acknowledge that children are being abused. We must each resolve that we should do what we can to protect them. The tragic impact of abuse for individuals and through them our entire society demands nothing less.

These are words I encourage the government to take heed of. The royal commission was instigated to bring justice for the victims, but also to show the victims that everything will be done to prevent the abuse of children, as happened in the past, from ever happening again. Today I ask the Premier and the Minister for Child Protection to especially remember that this royal commission, in the greatest measure, dealt with cover-ups perpetrated by people within organisations set up with the specific purpose of protecting and nurturing children. That is a betrayal of the worst kind—it was on the most vulnerable. That must never happen again under the watch of any government.

Members may be aware that the opposition, and in particular the shadow Minister for Child Protection, Hon Nick Goiran, has raised in Parliament the issue of victims of child sexual abuse in Roebourne. We have been seeking an assurance that none of the 184 victims of child sexual abuse in Roebourne are residing with a person either charged with or convicted of one or more child sex offences. In the stark light of this royal commission and its recommendations, the government should be able to assure this Parliament that none of the 184 victims of child abuse in Roebourne are currently residing with a person either charged with or convicted of one or more child sex offences. Until the government provides this Parliament with that assurance, I genuinely fear for the safety of those children. This is an opportunity to ask why the government will not assure the community that none of the 184 victims of child sexual abuse in Roebourne —

Several members interjected.

The SPEAKER: Members!

Dr M.D. NAHAN: This is an opportunity to ask why the government will not assure the community that none of the 184 victims of child sexual abuse in Roebourne are currently residing with a person either charged with or convicted of one or more child sex offences.

I want to also briefly raise concerns about the government’s machinery-of-government changes and how they may put at risk children in care. Prior to the election of the McGowan government we had a standalone Department for Child Protection. It was established as a standalone department, separated from the then Department for Community Development, following a review of that department by Prudence Ford. The Ford inquiry was established following a series of articles published by *The West Australian* in 2006 on the death of 11-month-old Wade Scale in 2003. It also followed the Ombudsman’s “Report on Allegations Concerning the Treatment of Children and Young People in Residential Care” and the report by the Select Committee on the Adequacy of Foster Care Assessment Procedures by the Department for Community Development. The very first recommendation of that report was the establishment of a standalone Department for Child Protection. In response, the then Premier, Alan Carpenter, separated Child Protection from the larger Department for Community Development. When he announced this reform, Mr Carpenter stated —

“There is nothing more important than the safety and protection of our children ...

“The Government’s response to this report addresses the historical, practical and cultural issues that have stood in the way of this department delivering effective service to the people who need it most.

“This is significant reform and I am confident it will give us tangible results.”

Since the establishment of the standalone department, work in Child Protection has escalated. More children than ever are living under the care of the CEO.

Fast forward to 2017, and the McGowan government is taking us back to the days prior to this important reform. It has amalgamated the Department for Child Protection into the megadepartment of the Department of Communities. We now have a department reminiscent of the time when children were not being prioritised and when at-risk children fell through the cracks. The merger of the Department for Child Protection into the megadepartment of Communities has absolutely nothing to do with prioritising children’s safety and wellbeing. This merger is simply to enable the government to say it has reduced the number of government departments. What about the priority of ensuring the safety and wellbeing of children?

I am most surprised that, through its machinery-of-government changes, the government did not leave the Department for Child Protection as a standalone department. Did anyone in the government not recall the time when, to quote Ms Ford —

The child protection system in Western Australia needs to change. It is close to collapse and the public confidence in it has been shaken by a series of reports of preventable child deaths and inquiries into allegations of abuse in care.

Are we at risk of this again, with the amalgamation of Child Protection into a megadepartment?

Several members interjected.

The SPEAKER: Members!

Dr M.D. NAHAN: I raise these matters so that we do not go backwards following the hard work of the royal commission, and so that the 42 041 calls that were taken, the 25 964 letters and emails that were received, and the 8 013 private sessions that were held were not in vain. Although the government today announced its response to the royal commission, that it will accept 289 of 310 of the applicable recommendations and that it has not rejected one recommendation, I put it on notice that its actions need to match its rhetoric. We need an assurance from the government that none of the 184 victims of child sexual abuse in Roebourne are currently residing with a person either charged with or convicted of one or more child sex offences. The government also needs to establish a standalone Department of Child Protection. The royal commission reminds us to learn from our errors and to not go back to our past mistakes. We will work with the government to ensure that the recommendations as accepted are delivered. We will work with the government to ensure that the redress scheme becomes operational as soon as possible. We will do our utmost to ensure we explicitly prioritise children's safety and wellbeing. Thank you.

Statement by Leader of the Nationals WA

MS M.J. DAVIES (Central Wheatbelt — Leader of the Nationals WA) [12.40 pm]: I rise today on behalf of the Nationals WA to note the Western Australian government's response to the Royal Commission into Institutional Responses to Child Sexual Abuse. As the Premier has said, this commission had been underway since 2013, an enormous undertaking spanning five years. There have been many elements to this undertaking—some of which I will touch on—but at the core was a desire to create a space for those Australians who have survived abuse at the hands of those who should have cared for and protected them. It was an acknowledgement that what had been hidden, ignored, accepted or covered up would not be tolerated any longer. This commission has given those people, and their families, the opportunity to have what was ignored or not believed, validated. Now we have a responsibility to ensure that their bravery—their willingness to come forward and share those heartbreaking experiences—is not in vain. We as a community failed these people.

The royal commission was announced by the then Prime Minister, Julia Gillard, in November 2012. The pathway from then until the day the final report was handed down has been a difficult one, especially for those who have been required to tell strangers of their experiences as a child. Many had never shared these experiences with anyone; some had, and until this point had been ignored. No-one who reads the case studies or accounts published over the past five years can be unmoved by these accounts. It is shocking how widespread and endemic the abuse was. It is shocking that it occurred in institutions and organisations that were held up to be places of high repute, a safe haven and a cornerstone, as the Premier said, for our community.

Having been announced in November 2012, the task of the royal commission started with the commonwealth government amending the Royal Commission Act 1902 to allow for private sessions to be held in gathering evidence. The first public hearings were held in Victoria and, since April 2013, 57 public hearings were conducted across Australia. The commissioners heard from 1 200 witnesses over 400 days of hearings, across all Australian capital cities and in several regional areas.

The first issues paper was released in June 2013, inviting individuals and organisations to respond to key issues. In April 2014, the first roundtable was held, at which representatives of regulators, policy experts, academics, survivors and advocacy groups were invited to discuss issues relating to the issues being explored by the commission. Over the course of those five years, a number of case study reports have been released, and the Premier has touched today on a number of these. Case study 11, which relates specifically to the Christian Brothers' institutions at Castledare, Clontarf, Tardun and Bindoon, contains horrific detail of what these children experienced. Should anyone be under the illusion that this is an issue that happened way back in yesteryear and could not possibly take place in the here and now, they need only read the accounts of those survivors who were systematically abused by a teacher between 1999 and 2005 here in Western Australia.

As the commission's work continued, it released a number of reports. They included the "Working with Children Checks Report" and the "Redress and Civil Litigation Report", and the "Criminal Justice Report", which included the final recommendations on the response of the criminal justice system to victims of institutional child sexual abuse. It also released a research study titled "Key Elements of Child Safe Organisations".

Mr David Templeman; Mr Mark McGowan; Ms Simone McGurk; Dr Mike Nahan; Ms Mia Davies

In December 2017, just prior to the presentation to the Governor-General of the commission's final report, a book was released titled *Message to Australia*. This publication gave people the opportunity to share a message about their experience. More than 1 000 contributions were received, and these can be viewed online, or in the book itself, which is part of the national and state library collection.

The sheer numbers of interactions with the commission are confronting, with over 42 000 telephone calls, nearly 26 000 letters and emails, 8 000 private sessions, and 57 public hearings. We owe the commissioners and the staff who supported them a debt of gratitude. We owe the survivors a debt of gratitude for sharing their experience. The Nationals have had only a brief time to consider the government's response this morning, but we note the intent expressed by the Premier and the Minister for Child Protection that they will start working on enacting the recommendations applicable to the state government. As a government, as a community and as individuals, we owe the victims action on the recommendations that have been laid out. That is the very least we can do. I urge everyone to take the time to understand the body of work conducted over the past five years. It is so very important to understand our history—it is fundamental to ensuring we will never need to conduct a royal commission of this nature again.

I join with the Premier and the Leader of the Opposition to apologise to the survivors, and to those who have suffered and are no longer with us.

Members: Hear, hear!