

Position Paper

The Need for a Royal Commission of Inquiry into the Sexual Assault of Children in Australia



2005

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About Bravehearts Inc.



Founded in 1997 by Hetty Johnston, Bravehearts Inc. has evolved into an organisation whose purpose is to provide therapeutic, support and advocacy services to survivors of child sexual assault. We are also actively involved in education, prevention, early intervention and research programs relating to child sexual assault.

Bravehearts operates from our Head Office on the Gold Coast, advocating and lobbying nationally, with branches across the country.

Bravehearts makes a difference in child protection by:

- Assisting children and their non-offending family members to recover from the trauma of child sexual assault through therapy, advocacy and support;
- Raising awareness via initiatives such as the 'White Balloon Campaign' - a public awareness and child protection initiative;
- Protecting survivors and providing them with avenues of redress through projects like the 'Sexual Assault Disclosure Scheme' (SADS) – a means for anonymous yet official disclosure of assault;
- Providing and developing effective education and prevention programs (Ditto's Keep Safe Adventure) to empower children and young people and increase their resiliency to child sexual assault;
- Advocating for survivor's rights through participation in legislative review and reform (successful campaigns include: the introduction in Queensland, New South Wales, Western Australia, Victoria and South Australia of Continuing Sentences for dangerous paedophiles; the closure of Queensland's Department of Family Services; the introduction of Section 189, the right for children and their families to speak publicly; the introduction of the Amber Alert system in Australia; the instigation of various formal Inquiries; and successful amendments to legislation);
- Raising community awareness through participation in public debate and in the accumulation, production and dissemination of relevant research material; and
- Supporting the work of other agencies (government and non-government) and individuals in their work around child sexual assault.

Abstract



Calls for a Royal Commission of Inquiry into the sexual assault of children in Australia have been growing for many years but have so far been denied by the Commonwealth Government.

However, the explosive nature of this issue is becoming increasingly apparent through the myriad of child sexual assault related Inquiries already undertaken and others still taking place throughout the States and Territories of Australia. Together with the increased willingness by the media to focus on this most insidious attack on our youngest and most vulnerable Australians and the community's desire to protect their children, the issue of child sexual assault now demands an urgent, meaningful and enduring response at the national level.

This paper explores the rationale for a Royal Commission of Inquiry.

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The History Behind the Call for a Royal Commission into the Criminal Sexual Assault of Children in Australia



Calls for a Royal Commission of Inquiry into the sexual assault of children in Australia have been growing for many years but have so far been denied by the Commonwealth Government.

However, the explosive nature of this issue is becoming increasingly apparent through the myriad of child sexual assault related Inquiries already undertaken and others still taking place throughout the States and Territories of Australia. Together with the increased willingness by the media to focus on this most insidious attack on our youngest and most vulnerable Australians and the community's desire to protect their children, the issue of child sexual assault now demands an urgent, meaningful and enduring response at the national level.

At various times over the years, in response to immediate crises in areas of child protection, the Commonwealth have called on the States and/or Territories to hold a Royal Commission into child sexual assault. At other times, the States and/or Territories have called on the Commonwealth to do the same. The political will for a combined effort is yet to materialise.

In terms of history and irony, it is interesting to note that Queensland Premier Peter Beattie supported calls for a national Royal Commission into child sexual assault at the time of the Governor General debate, as did Simon Crean for the Federal Opposition (*Labor believes it is now in the best interests of the welfare of Australia's children that the Prime Minister hold a Royal Commission into child abuse - Joint statement Crean/Roxon -13 May 2003*). These calls were supported by every other State and Territory leader and in addition, by Anglican Archbishop of Brisbane Philip Aspinall, the Uniting Church and Anglican Bishop of Tasmania John Harrower. Interestingly, the calls were rejected by George Pell (Catholic Church).

Nevertheless, the Prime Minister made a speech in Parliament where he refused to hold such an Inquiry citing many and varied reasons and specifically naming support from the head of child protection group ASCA, Liz Mullinar, as supporting his view. (*It is interesting to note that 'The ASCA board decided unanimously to ask Liz to step down as patron in November 2003.....In addition, a number of members raised concerns about several public statements that Liz had made, which expressed a personal view but were presented as though they were ASCA policy. One of those was in relation to the issue of a Royal Commission into child abuse, which you [ASCA members] on the other hand, as our recent poll showed, overwhelmingly support.'* Extract from ASCA Newsletter 2003/04).

But still, in terms of irony and in direct contradiction, on 20 August 2003 Premier Beattie spoke against a motion put forward by Independent Liz Cunningham and supported by National, Liberal and minor parties as well as other Independents, which proposed a State Royal Commission to investigate the systematic failure of child protection systems in Queensland. Federal Liberal Senator Santo Santoro challenged Premier Beattie (10.10.2003) to hold one. It didn't happen.

More recently, neither of the major parties went to the 2004 Federal election with a policy to hold a Federal Royal Commission into the criminal sexual assault of children - but all of the minor parties (other than the Nationals) did.

It appears that sadly, the debate around the merits of a Royal Commission has more fertile ground in political point scoring than in the best interests of the child.

What are the reasons put forward to deny a Royal Commission?

The stated objections put forward by the Howard Government (and others) in refusing to hold a Royal Commission into the criminal sexual assault of children have been numerous but include that:

- Royal Commissions are too expensive;
- Royal Commissions are largely ineffective;
- Child protection is largely an issue for the State and Territories;
- A Royal Commission may not provide *"clear and lasting benefits"* (PM John Howard 7.3.2003);
- Money should instead be spent on increased service provision, prevention and early intervention initiatives and supporting parents in their parenting role. Mr Howard told Parliament (13.05.03) that he *"would rather spend the 60 million - 100 million dollars that would be involved in a Royal Commission on further early intervention policy than I would in lining the pockets of lawyers"*; and
- A Royal Commission cannot deal just with child sexual assault but also must include child abuse and neglect. The Prime Minister has expressed the view that; *"It is important that prevention work by governments focuses on the broad range of contexts in which child abuse can occur, and covers the issues of physical abuse, emotional abuse and neglect as well as sexual abuse/"*

Bravehearts respectfully disagrees.

Response to Objections to a Royal Commission



Royal Commissions are too expensive

It will cost Australians much more if we don't urgently and thoroughly prioritise and respond to the crisis of child sexual assault in Australia.

- One in three girls and one in six boys will be sexually abused in some way before the age of 18 years (*Australian Institute of Criminology, 1993*). At a national level, the ABCI conservatively estimates 40,000 Australian children will be sexually abused each year.
- Girls and boys of all ages are sexually abused and victims are sometimes toddlers, young children and even babies (*NSW Child Protection Council, 2000*).
- Child sexual assault could trigger: the development of future violent behaviour; criminal convictions; psychosomatic responses; psychiatric disorders; long-lasting emotional problems; youth suicide; regression; sleeping and eating disorders; lack of self-esteem; nightmares; mutilation; self-hatred; promiscuous behaviour; and/or aggression. A wide variety of later effects have been pointed out, including sexual difficulties, inability to form lasting relationships, a serious lack of self-confidence, marital problems and poor parenting skills (*Waters & Kelk, 1991; Oates & Tong 1987*).
- The cost-benefit to the community and society as a whole of preventing poor outcomes in terms of education, homelessness, substance abuse, unemployment, mental disorders, depression, anti-social behaviour and crime would be drastic (*Families Australia, Child Abuse and Neglect Summit 18/6/04*).

Bravehearts believe that no amount of money spent on protecting children from sexual assault is too much.

How can we not urgently respond to the increasing number of sexually assaulted children (and adult survivors) who are committing suicide in unprecedented numbers across our country?

- Young people who had experienced child sexual abuse had a suicide rate that was 10.7 to 13.0 times the national Australian rates. A recent study of child sexual abuse victims found 32% had attempted suicide and 43% had thought about suicide (*Plunkett & Shrimpton, 2001*).
- UNICEF has reported that in 1991, Australia had the sixth highest rate of adolescent suicide: 10.5 per 100,000 among males aged 15-19 (*UNICEF, 1991*).

What is the price tag for preventing so many young Australians from being traumatised and then unnecessarily turning to drugs, alcohol and crime?

- 70% of prisoners were abused as children (*Children's Commission of Queensland, 1997*).

- 80 to 85 per cent of women in Australian prisons have been victims of incest or other forms of abuse (*Murray, 2002*).

What is the value in so many families being torn apart and relationships breaking down? And what of the ever-increasing sexual dysfunction and promiscuity affecting our young.

- The effect of increased sexual risk-taking also makes victims of child sexual abuse more vulnerable to sexually transmitted diseases, HIV/AIDS, and teenage pregnancy (*Ferguson, Horwood & Lynsky, 1997; Mullen, Martin, Anderson, Romans, & Herbison 1996; Thompson, Potter, Sanderson, & Maibach, 1997*).

This is a national crisis facing our children and we need a national response. The costs of the resulting moral and societal dysfunction can be counted in the billions each and every year. We must address these issues from a national perspective and we must do it urgently.

- A recent Australian study funded by a Criminology Research Council Grant, conservatively estimates the (tangibles) cost to society of child sexual assault to be in excess of \$180,000 per child (*Briggs, 1999*).
- In South Australia, the Department of Human Services conservatively estimated the cost of child abuse and neglect in 1995-96 to be \$354 million. Over the same period, that figure is more than the State earned from the sale of both its wine (\$318 million) and its wool and sheepskins (\$239 million) (*Murray, 2002*).
- Child abuse or neglect is costing Australians \$5 billion a year, equivalent to the cost of the 2000 Sydney Olympic Games or the Federal Government's forecast 2003-04 budget surplus. The \$5 billion is what it has been conservatively costed at but the thoughts were that it could be 30 per cent more (*Kids First Foundation Chairman David Wood*).

Royal Commissions are largely ineffective

Royal Commissions of Inquiry have indeed been incredibly effective over the years. In fact, the Commonwealth Government has held 3 Royal Commissions of Inquiry during the period spanning 2001-2004. Surely the Commonwealth would not conduct so many inquiries if they were considered largely ineffective?

In particular, the Royal Commission into Aboriginal Deaths in Custody stands as a good example of how the collective involvement and co-operation of the Commonwealth and the States/Territories can effectively address complex social issues facing the entire Nation.

Of course there are also many examples of effective State based Royal Commissions including the Woods Royal Commission in NSW and the Fitzgerald Inquiry in Qld.

Title	Date of Letters Patent– Date Final Report Presented	Commissioners	State
Royal Commission into Aboriginal Deaths in Custody	16 October 1987–9 May 1991	J. H. Muirhead (Chair 198789), E. F. Johnston (Chair 198991), , J. H. Wootten, L. F. Wyvill, D. J. O'Dea, P. Dodson	NSW, VIC, QLD, WA, SA, TAS, NT
Commission of Inquiry into the Australian Secret Intelligence Service	15 March 1994–9 May 1995	G. J. Samuels , M. H. Codd	
Royal Commission of Inquiry into the leasing by the Commonwealth of accommodation in Centenary House	16 May 1994–7 November 1994	T. R. Morling	
HIH Royal Commission	29 August 2001–4 April 2003	N. J. Owen	
Royal Commission into the Building and Construction Industry	29 August 2001–24 February 2003	T. R. H. Cole	
Royal Commission to Inquire into the Centenary House Lease	24 June–6 December 2004	D. A. Hunt AO QC	

Child Protection is largely an issue for the States and Territories

There are many examples where the Commonwealth, in the national interest, has invested in areas that could have previously been seen as strictly in the province of the States and Territories. This includes the *National Drug Strategy*, the reform of *Gun Laws* and the national *Mental Health Strategy*.

States have responsibility for children for a short time only – at the most a mere 18 years in an individual’s life. However, it is the Commonwealth Government that ultimately bears much of the long-term costs of negative outcomes for abused children (*Families Australia, Child Abuse and Neglect Summit 18/6/04*).

The problem of child sexual assault in Australia is a national crisis. The flow on problems associated with child abuse, neglect and sexual assault represent financial costs that can be measured in the billions annually while the social costs remain unquantifiable. These costs are shared by both State and Commonwealth governments but they are borne by the Australian taxpayers.

The most debilitating issue facing child protection reform in Australia is the lack of national leadership, national consistency and a national approach.

The States and Territories have primary responsibility for the investigation of suspected cases of child sexual assault, child abuse and neglect and are responsible for taking appropriate action in these cases. There are significant differences in legislation, terminology, procedures and processes among the States and Territories (Australian Law Reform Commission, 1997).

Australia requires Federal leadership in child protection through uniform child protection legislation with full auditing of its effectiveness (Tucci, Goddard, Saunders and Stanley, Agenda for Change Conference 1998).

This fact has been highlighted as the major concern among professionals, academics, and workers in the field. This most glaring deficiency has encumbered the fight to properly protect children despite being highlighted to governments ad-nauseam at every conference and in every report delivered over more than two decades. Still this most fundamental of problems has not been addressed.

Currently, whole-of-government responsibility for children is split between Commonwealth, State and Territory governments, among different departments according to 'portfolios' and among a myriad of agencies at different levels of government.

This complex web of responsibilities is fragmented and therefore delivers policy direction that is often crisis driven, ad-hoc and isolated in terms of overall National integration, consistency and co-ordination. This delivers serious harm to children and produces waste in allocation and targeting of resources and services across the Nation.

Too often children fall between the widening cracks that consistently appear between agencies, government departments and/or between States, Territories and Commonwealth jurisdictions and responsibilities.

By using the External Affairs powers under article 51 of the Constitution, the Commonwealth ratified the United Nations Convention on the Rights of the Child and in doing so, delivered to itself far greater opportunities to participate in and direct a coordinated national approach to child protection matters. The Commonwealth now has a legitimate constitutional role in child protection.

The Commonwealth must provide leadership and assistance in developing nationally consistent best practice models, minimum and optimum service standards and sound research.

A Royal Commission may not provide clear and lasting benefits

The same argument might once have been said in relation to corporations law (*Australian Law Reform Commission, 1997*).

The value of overarching national co-ordination is exemplified by corporations law, where the Commonwealth's assumption of responsibility through the *Australian Securities Commission Act 1989* has resulted in significant improvements in the operation of the system. The Australian Securities Commission has wide regulatory, investigatory and information gathering powers and the power to initiate civil or criminal proceedings in certain circumstances. The Australian Securities Commission also performs an important educative function. It has become involved in law reform, makes submissions to inquiries and publishes reports and discussion papers. The formation of the Australian Securities Commission, with its regional offices in each State and Territory, illustrates how a body can achieve a level of striking uniformity and efficiency within the present constitutional arrangements by striking an acceptable balance between National and State interests.

Only the powers of a **Royal Commission of Inquiry into the Criminal Sexual Assault of Children in Australia** has the capacity to deliver clear and lasting benefits in the area of child protection. Any less would simply represent a tinkering at the edges of what is becoming an increasingly alarming crisis for all children in this nation.

A Royal Commission will provide the clear, indisputable evidence, disclosure, information, knowledge and understanding that our government, institutions and the greater community require in order to gain the necessary capacity to fully comprehend and respond to the catastrophic long-term social and economic costs of child sexual assault in our community.

Money should instead be spent on increased service provision, prevention and early intervention initiatives and supporting parents in their parenting role

The urgency for a Royal Commission should not delay the delivery by government of increased services to children who have been, or are at serious risk of being, harmed. Nor should it delay the delivery and implementation of existing reform agendas so as to better protect our children today.

Calling for a Royal Commission is not
instead of spending on child protection services,
it is in addition.

The child protection sector's response can only be improved through a Royal Commission. Services "need" to be informed in order to be effective. There is no good to be served by pumping monies into prevention, early intervention and support services unless we have a clear idea on the extent of the problem and best practice in child protection.

There should be neither an underestimation of the massive job at hand nor any apology for it - nor for the costs that it will entail.

This is a crisis. Our children deserve the best response we can muster.

The essence of good government lies in apportioning taxpayer's money according to the competing needs of the community. Priority must go to those whose needs are greatest. It is hard to imagine a group more in need than children who are being abused (*Senator Andrew Murray 5.2.03*).

A Royal Commission cannot deal just with child sexual assault but also must include child abuse and neglect

Bravehearts believe that the issue of child sexual assault and those of child abuse and neglect are discernibly different and require discernibly different responses. This view is borne out by the increasing number of reports, conferences and studies that deal exclusively with the issue child sexual assault in isolation of 'child abuse and neglect'.

We do recognise the equally damaging effects of child abuse and neglect but we believe that bundling 'child sexual assault' in the suite of matters referred to collectively as 'child abuse and neglect' is actually harming efforts to prevent child sexual assault. We believe this occurs in many areas including that of 'child abuse' data collection. This in turn thwarts the development of clear understanding and therefore appropriate responses to the issue.

Terminology:

- The term 'abuse' portrays an extension of a given right or privilege ie: discipline gone too far.
- Neglect suggests the failure to provide basic care and protection.
- Sexual assault is commonly neither of these. The only thing they have in common is that they both involve the harming of children.
- It is interesting to note that an attack against an adult is commonly referred to as an 'assault' but an attack against a child is more commonly referred to as 'abuse';
- The criminal law refers to attacks against both children and adults as 'assaults'. It is telling to note that the Queensland Criminal Code does not include the term 'abuse' in its Code and does not list the term 'abuse' within Schedule 5 – The Codes Dictionary. Child sexual assault is the crime – not child sexual abuse.

Differences in Offending:

- 1(a) Acts of **child abuse and neglect** are generally unplanned, re-active and are generally aligned with socio-economic and family dysfunction issues and are comparatively predominant in areas of social disadvantage.
- 1(b) **Sexual assaults** against children are almost always pre-meditated, involving predatory acts of grooming, manipulation, self gratification and exploitation, and occur widely across the various socio-economic areas.
- 2(a) **Child abuse and neglect** more commonly involve the infliction of pain, violence and aggressive force.
- 2(b) **Child sexual assault** more commonly involves manipulation, intimidation and unwanted sexual contact.
- 3(a) **Child abuse and neglect** are generally always perpetrated by a parent, more commonly the female, (parent is the offender in an estimated 90% of cases).
- 3(b) **Child sexual assault** is generally perpetrated by a male (in excess of 95% of cases) who is someone known to the family (80% of the time) but who is other than a parent (parent / step parent is the offender in only approx 20% of cases).
- 4(a) **Child abuse and neglect** offences are almost always intra-familial.
- 4(b) **Child sex assault** offences are commonly extra familial as well as intra-familial.
- 5(a) **Child abuse and neglect** is a domestic issue that can involve criminality.
- 5(b) **Child sexual assault** always involves criminality and further, involves potential for networking, official corruption and monetary motivations (as per drugs).

Definitions:

Assault

- An unlawful threat or attempt to do bodily injury to another.
 - The act or an instance of unlawfully threatening or attempting to injure
- Etymology: Old French *assaut*, literally, attack, ultimately from Latin *assultus*, from *assilire* to leap (on), attack. **1:** the crime or tort of threatening or attempting to inflict immediate offensive physical contact or bodily harm that one has the present ability to inflict and that puts the victim in fear of such harm or contact another.

Abuse

- To use wrongly or improperly; misuse: *abuse alcohol; abuse a privilege*.
- To hurt or injure by maltreatment; ill-use.

Source: *The American Heritage® Dictionary of the English Language, Fourth Edition*
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Bravehearts submit that the offences of child abuse and neglect are different in nature, motivation and victimisation than offences of child sexual assault and that while both are incredibly traumatic for children, their differences dictate they should be addressed separately.

Why there is a need to change current responses to child sexual assault



Australia needs a National approach to the National crisis of child sexual assault facing our Nation's children.

Fundamental National leadership is urgently required in even some of the most basic of issues relating to child protection such as:

- To agree on a National definition of 'child' and to adopt a National standard in relation to the 'age of consent';
- To provide National consistency in terms of age in relation to the legal definition of 'child', 'minor', 'adolescent' and an 'adult';
- To agree on National definitions for the terms 'child abuse', 'neglect', 'rape', 'child sexual assault', 'indecent dealing', etc;
- To agree on a National definition of the term 'harm' to a child as it relates to both legislation and regulations including those applying to the media;
- To implement a Nationally consistent statistical reporting model so as to properly gauge the occurrence, response and outcomes for children in need of protection;
- To implement a National Code for Child Protection that ensures all organisations who deal with governments, have adequate and consistent protocols in place in relation to the prevention of sexual assault and in handling allegations and complaints;
- To investigate minimum standards of care and consistent policies and procedures in service provision across all State/Territory jurisdictions;
- The introduction of consistent Mandatory Reporting requirements;
- To agree on a National hearing, sentencing and treatment regime to properly and consistently deal with child protection matters, specifically paedophilia, within the often over-arching State and Federal legal systems;
- To agree on a Nationally adopted minimum age of criminal responsibility and 'Age of Majority';
- To introduce national standards for the sentencing, treatment, incarceration, release and on-going monitoring and reporting of child sex offenders, including juvenile sex offenders;
- To introduce a National 'Charter of Rights' for children who are subject to, or at serious risk of harm that would provide a legally enforceable obligation on all relevant authorities, States and Territories to provide predefined minimum standards of child protection services; and
- To ensure the next Census is focused on gathering key information in relation to child abuse prevalence by type and severity, age, gender, sexuality, offender characteristics, patterns of abuse, effects of abuse, official and non-official disclosure patterns.

Bravehearts believes that we need to radically re-think our entire approach to the issue of child sexual assault rather than continuing to tinker around the edges of a system that is fundamentally flawed. Too, we should consider a shift of focus to public health rather than an exclusive focus on criminality. This may better serve society, survivors and perpetrators.

Paedophilia: The health problem of the decade

By Dr Bill Glaser

Imagine a society afflicted by a scourge which struck down a quarter of its daughters and up to one in eight of its sons.

Imagine also that this plague, while not immediately fatal, lurked in the bodies and minds of these young children for decades, making them up to sixteen times more likely to experience its disastrous long-term effects.

Finally, imagine the nature of these effects: life-threatening starvation, suicide, persistent nightmares, drug and alcohol abuse and a whole host of intractable psychiatric disorders requiring life-long treatment. What would the society's response be?

The scourge that we are speaking of is child sexual abuse. It has accounted for probably more misery and suffering than any of the great plagues of history, including the bubonic plague, tuberculosis and syphilis. Its effects are certainly more devastating and widespread than those of the modern-day epidemics which currently take up so much community attention and resources: motor vehicle accidents, heart disease and, now, AIDS. Yet the public response to child sexual abuse, even now, is fragmented, poorly coordinated and generally ill-informed.

Its victims have no National AIDS Council to advise governments on policy and research issues; They have no National Heart Foundation to promote public education as to the risks of smoking and unhealthy lifestyles; They do not have a Transport Accident Commission to provide comprehensive treatment and rehabilitation services for them.

A massive public health problem like child sexual abuse demands a massive societal response. But firstly, we need to acknowledge and understand the problem itself, and this is, sadly enough, a task which both professionals and the community have been reluctant to undertake despite glaringly obvious evidence in front of us.

Source: *Excerpt from "Paedophilia: The Public Health Problem of the Decade" – Australian Institute of Criminology Conference on Paedophilia, Sydney April 1997.*

The comparison of paedophilia to a plague is more than just a vivid metaphor. It suggests that lessons can be learned from other great scourges and pestilences of human history. In particular, there have always been three major components to public health problems of this magnitude:

(1) Definition of the problem: There is still no good national child sexual assault data-base. Different sources – the police, courts, correctional services, protective services, health care providers, victim services and community agencies – provide incomplete, inconsistent and conflicting accounts of what is actually happening both within jurisdictions and nationally. There are still enormous gaps in our knowledge about the nature and prevalence of child sexual assault and the needs for services.

(2) Perception of risk: There are some who say that we are becoming unnecessarily panicky about child sexual assault. The evidence is that we have not panicked enough. Even though we can see the damage being done to the vulnerable and needy members of our society, we remain reluctant to act.

Various State Inquiries involving church and government on the systemic abuse of children have been conducted over the past ten years that have clearly exposed just how dysfunctional and damaging the current system of child protection is, *and still the Commonwealth remains reluctant to act.*

(3) The Social response: As with most public health problems of this magnitude, the response needs to be at the community level. The identification, assessment and treatment of individual survivors (and offenders) is not enough. Indeed, as has been shown with the modern plagues of heart disease, AIDS and road accidents, the response needs to be institutionalised. There must be a well-planned, highly coordinated and effective bureaucracy that can provide national surveillance and monitoring of the problem, a useful analysis of the data received and prompt communication of the results.

Some Quotes.....

“There is no greater priority than the protection of Australian’s children. The Coalition Government is totally committed to stopping child sex abuse, whether it involves the actual physical abuse of a child or using the internet to spread child pornography or target children for abuse” (*Prime Minister John Howard 5.9.2004*).

‘The NSW Police Commissioner, Ken Moroney, has called for a summit to address the problem of child sexual assault, which he has likened to an epidemic. “I don’t think we really know the extent, scope or magnitude of this problem” (*Sunday Telegraph 12.12.2004*).

Professor Fiona Stanley, Australian of the Year 2003, warned that Australia faced a looming social crisis and a lifetime of cost on the public purse if a national program for children’s welfare was not established (*Senate Hansard 5.2.2003*).

“Precedent and practice both in Australia and overseas reveal the very high likelihood of a child abuser caught once will be a multiple abuser. It is also the case that the institutions for which the perpetrators of sexual abuse work often conceal these crimes. Indeed, the extent of the cover-up has been alarming. The long-term social and economic costs both for the victims and for society are immense. It is an issue of such national importance that there is a great need for a Royal Commission to be

called into the sexual abuse of children in this country” (*Senator Andrew Murray (WA) 22.1.2003*).

Premier for Qld, ‘Mr Peter Beattie has called for the Federal Government to establish a Royal Commission into paedophilia, and for that inquiry to deal with all governments, institutions and churches in relation to abuses by people in positions of trust’ (*Courier Mail, editorial 1.5.2003*).

“Dr Lara Wieland (MBBS,FRACGP,Grad. Dip. Rural Medicine/Aboriginal Health), said child sexual assault was out of control in remote Aboriginal communities and has provided a letter to the Prime Minister outlining her genuine concerns. Including that children on remote Aboriginal communities suffer continuing serious sexual abuse because doctors’ reports of the incidents given to the Qld Families Department are not passed on to police for investigation” (*Courier Mail, 6.8.2003*).

‘The latest information to become public....about the sorry and long-standing lapse of the state authorities in the duty of care towards children at risk, makes sad and shocking reading. It is also the reason why the Queensland government must now grasp the nettle – however much it stings, and indeed whoever it stings – and establish a Royal Commission. It must be independent. It must be well funded. And it must have strong and clear terms of reference” (*Senator Santo Santoro 8.10.2003*).

‘Deputy Premier (SA) David Llewellyn yesterday renewed calls for a national inquiry into child abuse, saying only a Royal Commission could break the networks of perpetrators.....a national Royal Commission should be held instead of separate state inquiries’.

In 1996, Justice Alistair Nicholson of the Family Court said: ‘Of all the areas where children’s rights are unnecessarily compromised, one of the most disturbing issues is the variance of legal frameworks and service standards in the protection of children and adolescents from abuse’.

And in August 2000 a Community Discussion Paper prepared by Rosie’s Place and the Women’s Legal Resources Centre, noted: ‘The repeated failure of State and Federal systems to effectively cooperate and coordinate their response to the needs of protective parents (where there is involvement with the Family Court) means that they are left without legal representation or support from child protection agencies. This inevitably means that children are left unsafe’.

A resolution from the Child Abuse and Neglect Summit (Canberra 18 June 2004) called for a national strategy to combat child abuse.

Why do we need a Royal Commission?



We believe that calls for a Royal Commission are easily supported by widely accepted and well known facts including that child sexual assault is the extenuating cause of death for thousands of Australians, young and old, and is the cause of untold injury and pain for many thousands more. Alarming, child sexual assault is responsible for more pain, suffering, trauma, hardship, death and injury than any other epidemic ever faced by Australian families. Child sexual assault costs taxpayers tens of billions of dollars annually and is the primary cause for the increasing societal breakdown of faith in our political, spiritual and community leaders.

Historically, the deeply entrenched 'Iron Curtain' around the issue of child sexual assault has been almost impenetrable - solidly constructed by religious, cultural and systemic values, ideology, beliefs, ignorance and behaviours over many centuries and still fiercely defended and/or ignored by adults and institutions whose moral and/or commercial response it is to protect their respective power, monetary interests, and reputation rather than the 'best interests of the child'.

Child sexual assault raises issues of complex urgency for Australia.

Bravehearts understands that the first step to solving any problem is to fully understand it. A Royal Commission will deliver this outcome not only for our political, judicial and spiritual leaders, but also for the Australian population generally. Only with this level of understanding and awareness can we ever hope to stem the tragedy of child sexual assault in this nation.

Australian children deserve to be protected by all means necessary. A Royal Commission is of paramount importance in beginning this process.

Bravehearts believe that the best prevention / early intervention strategy is education and that a Royal Commission would deliver a well overdue and much needed exposé and educated insight into the issue both for the general public, the judiciary, politicians and religious leaders. It is the failure to fully comprehend this issue that lies as the foundation upon which predators rely to gain access to unsuspecting children and vulnerable families. It is our view that a Royal Commission could change that.

Australian children deserve national minimum standards of care and protection regardless of where they reside. Child sex offenders must be treated equally, adequately and responsibly no matter where they reside.

Facts and Stats

Prevalence

It is estimated that 1 in 4 girls and between 1 in 7 and 1 in 12 boys are victims of sexual abuse (*James, 2000*).

One in three girls and one in six boys will be sexually abused in some way before the age of 18 years (*Australian Institute of Criminology, 1993*).

Research has estimated that between 7 and 45 per cent of females and between 3 and 19 per cent of males have been victims of sexual abuse during their childhood (*Queensland Crime Commission & Queensland Police Service, 2000*).

Girls and boys of all ages are sexually abused and victims are sometimes toddlers, young children and even babies (*NSW Child Protection Council, 2000*).

Because the offender is often a person well known and trusted to the child and their family, they usually can easily arrange to be alone with the child - therefore the abuse is commonly repeated. This abuse rarely involves violence because instead of force, these offenders use promises, threats and bribes to take advantage of their trusted relationship with the child's family and the subsequent powerlessness of the child. In some cases, this can go on for years (*NSW Child Protection Council, 2000*).

The strategies employed by offenders to gain the compliance of children more often involve giving gifts, lavishing attention and attempting to form emotional bonds than making threats or engaging in physical coercion. Many sexual encounters with children were preceded by some form of non-sexual physical contact (*Smallbone and Wortley, 2000*).

Internationally, epidemiological studies estimate prevalence rates of 7 to 36 per cent for females and 3 to 29 per cent for males (*Finkelhor, 1994*).

Extrapolating ABS population statistics in combination with universally accepted CSA prevalence figures, it is estimated that more than 150,000 children under the age of 17 years in Queensland have been sexually abused and an estimated 420,000 Queenslanders over the age of 18 are survivors of sexual abuse. (*Children's Commissions, 1997*).

During 1996 in Queensland alone, 340 boys and 1009 girls aged between 0-14 years reported sexual abuse. In most cases, the relationship of the offender to the victim was a non-family member known to the victim (Qld 1996 – 499 victims) while (Qld 1996 - 220 victims) were assaulted by a family member know to them. In Qld 1996, of the total 2095 child sexual abuse victims, 94% of all cases took place in private dwellings (*Australian Bureau of Statistics, 24 July 1997*).

There is widespread agreement in the literature that child sexual abuse spans all races, economic classes and ethnic groups (*Finkelhor, 1993, 1994(a); Goldman &*

Padayachi 1997; Oates, 1990; O'Donnell & Craney, 1982; Peters, Wyatt & Finkelhor, 1986).

45 per cent of females and 19 per cent of males have been the victim of 'non-contact inclusive' child sexual abuse and 39 per cent of females and 13 per cent of males have been the victim of 'non-contact exclusive' child sexual abuse (*Fleming, 1997; James, 2000; Oates, 1990; Goldman and Padayachi 1997).*

Girls were two to three times more likely to be abused than boys (*Fleming, 1997; James, 2000; Oates, 1990; Goldman and Padayachi, 1997).*

20 per cent of women had experienced childhood sexual abuse, with the age of onset of abuse being under the age of 12 years for 71 per cent of these women (*Fleming, 1997).*

At 30 June 2001 there were 4.2 children per 1,000 on care and protection orders and 3.9 per 1,000 in out-of home care (*Australian Institute of Health and Welfare, 2001).* There are an estimated 300 hard core paedophiles in Queensland. Each one of those may have sexually abused up to 150 children in their lifetime. Consequently, an estimated 45,000 Queensland children are expected to have been abused by this group (*Children's Commission, 1997).*

There are about 14,000 preferential paedophiles in Australia (*Smith and Chapman, 1999)*

169 child sex offenders who admitted having committed at least one sexual offence against a child later disclosed offences concerning 1010 children (748 boys and 262 girls) of which only 393 (38.9%) were reported to have been associated with official convictions (*Smallbone and Wortley, 2000).*

In spite of the high non-disclosure rates and the difficulty in substantiating abuse, during 2000-01, a total of 3794 cases of sexual abuse against children were substantiated (*Australian Institute of Health and Welfare, 2001).*

The Director General of the Department of Community Services, Carmel Niland, admitted that only half the reported cases of child abuse in NSW were investigated by the government welfare agency responsible. In 2001, DOCS took 140,806 telephone reports of suspected child abuse (up sevenfold from 20,000 at the beginning of the 1990's). Of the 21 child abuse and neglect deaths in NSW in 2001, 13 of the victims were known to DOCS and eight were current clients (*The Australian Newspaper May 21, 2002 Pg 3).*

In Queensland in 2000-01, there were 12,675 child protection notifications involving 22,069 children. This indicates the rate at which children aged 0-16 years were the subject of a child protection notification in 2000-01 in Queensland to be 18.8 per thousand. The National average for such notifications is 19.5 per thousand. The substantiation rate for 2000-01 in Qld was 68% representing the highest in the

country while NSW at 37.7% recorded the lowest. The average rate of substantiation across the country was 38-48% (*QCOSS - A Fair Start for Queensland Children, Young People and Families - Report Card on Child Protection Services 2002*).

Prelates who had protected priests or other church workers accused of sexual assault headed at least 111 of the 178 major Catholic dioceses in the United States (*The Australian Newspaper 14 June 2002*).

In the United States, 2,000 Catholic priests have been disgraced because of their abusive behaviour, with many facing prosecution in the criminal courts (*Murray, 2002*).

In the Boston diocese alone, the Catholic Church has set aside \$US30 million for victims of just one jailed priest who was accused of molesting 130 children over 30 years (*Murray, 2002*).

In Ireland early in 2002, the Catholic Church reached an agreement with the government to provide \$A213 million in compensation to some 3,000 victims of assault in 18 church institutions (*Murray, 2002*).

In Canada, the Anglican diocese of Caribou went bust because it literally ran out of resources to pay compensation to victims of sexual assault (*Murray, 2002*).

During the last five years, more than 100 clergy from the Catholic and Anglican churches have been convicted of child sexual assault (*Murray, 2002*).

During the 1990's, Australian courts dealt with nearly 450 individual child sexual assaults by priests (*Eros Foundation, 2000*).

On average, approximately 6,500 sexual offences were reported to the Queensland Police Service annually between the years of 1996 and 1998. The majority of reported offences were committed against children younger than 16 years of age (58%). Most of the offenders were male (71%) and most were known to their victim in some way (60%); many were identified as relatives (26%) (*Queensland Criminal Justice Commission, 1999*).

Disclosure Issues

Case History: Brisbane Court and Hansard reporter Clarence Henry Osborne who gassed himself in his car on September 12, 1979, was found to have committed sexual assaults against 2,500 under age boys – not one of them had reported him to the police (*Children's Commission, 1997*).

One in five parents who were aware that their child had been sexually abused did not report the abuse (*Smallbone and Wortley, 2000*).

Across all studies it is clear that only about half of the young victims disclosed the abuse to anyone (*Finkelhor, 1991; Fleming, 1997*).

For every child who does report to authorities, three to five cases are not being reported (*Finkelhor, 1991*).

About half of the victims of child sexual abuse never report the abuse to another person and many do not disclose until they reach adulthood (*Queensland Crime Commission & Queensland Police Service, 2000*).

Acceptance and validation are crucial to the psychological survival of the victim" (p 179). Disclosure to family, friends, and the justice system can often exacerbate the effects of abuse. Too frequently, disbelief and blame result in secondary assault to the child and compound the already negative effects of the original abuse (*Summit, 1983*).

A 1998 study involving 400 clients of Family Planning Qld, found 55% of all the women in the sample had experienced childhood sexual abuse before the age of 16. Only 36% of those who had experienced abuse had ever told anyone of those events prior to their disclosure during the study interview. Only 8 victims (3.5% all victims) had taken legal action against their offenders and only five were aware of the outcome of those actions (two offenders were convicted, two had no further action taken and one resulted in a criminal record only) (*Queensland Criminal Justice Commission, 1999*).

Two studies cited by ICAC (Independent Commission Against Corruption NSW), suggest respectively that only 2% of familial and only 6% of extra-familial child sexual abuse were ever reported to police (*Wood, 1997(b)*).

Project Axis sought information from 66 non-government schools about their policies for dealing with suspected child sexual abuse - only six had a specific policy in place. Of the 51 community groups contacted only three had established any policy for handling suspicions or disclosures of child sexual abuse (*Queensland Crime Commission, 2000*).

Offenders, Treatment and Management

One in three child sexual offenders are adolescents (*Bagley, 1995*).

The majority of perpetrators are male (in excess of 95 per cent) against male and female children (*Bagley, 1995*).

Around 80 per cent of the time, the offender is known to the child (*Bagley, 1995*).

Only 1 in 100 sex offenders in a given year ends up convicted of sexual assault. Each year in NSW, about 40,000 women will be sexually assaulted. About 1000 men will be brought to court for sexual assault and about 400 of those men will either plead guilty or get found guilty (*Don Weatherburn, NSW Bureau of Crime Statistics, Chan 9 TV Sunday Program - 3.7.2001*).

Only about 17% of reported sexual offences result in a conviction, a figure consistent with data from other States and overseas (*Crime and Misconduct Commission, 2003*).

By claiming to have been abused themselves as children, some adult offenders seek to justify or minimise their offending behaviour. A study by Hindman (1988) involving two groups of sex offenders has demonstrated the unreliability of the self-reported claims of sexual abuse in childhood. In the first group, 67 percent of offenders claimed to have been abused as children. In the second group, when the offenders were advised that their statements would be checked by a lie detector test and, if found to be false, they would be returned to prison, only 29 percent claimed to have been abused as children. On the basis of therapeutic experience Ross (1995) suggests that only approximately 5 percent of victims go on to become abusers (*Managing Sex Offenders – NSW Child Protection Council*).

Juvenile offenders can be just as predatory as adult offenders. Their abuse is often well-planned and thought out. Protected by the silence that has been characteristic of sexual abuse generally, juvenile offenders learn they can get away with it, and have time to fine tune the manipulative techniques which are characteristic of the recidivist offender. Unlike other young offenders who grow out of their offending behaviour, juvenile sex offenders tend to grow into it. Most sexual offender behaviour escalates over a period of time – it does not suddenly just happen (*Woods, 1997(b)*).

Two thirds of the offenders in the present study had previous convictions of which (82.2%) had first been convicted of a non-sexual offence.....With respect to treatment, the findings challenge the tendency in many programs to emphasise the deviant sexual preferences of child sexual offenders, that is, to treat the child sexual offending as a specialised and distinct crime problem. The current findings reveal that a substantial majority of child sexual offenders are involved more generally in criminal activity and could therefore be explained as extensions of more general antisocial patterns of behaviour, perhaps involving opportunism, the exploitation of interpersonal relationships, or the disregard of socially accepted codes of behaviour (*Smallbone and Wortley, 2000*).

The Court Process

Evidence to the Inquiry indicated that, whatever the jurisdiction, the structures, procedures and attitudes to child witnesses within all these legal processes frequently discount, inhibit and silence children as witnesses. In cases where the child is very young or has or had a close relationship with one of the parties or where the subject of the evidence is particularly sensitive, children often become so intimidated or distressed by the process that they are unable to give evidence satisfactorily or at all (*Australian Law Reform Commission, 1997*).

The extensive examination of recent research into children's evidence found nothing to support the belief that children's evidence is inherently less reliable than the evidence of adults (*Australian Law Reform Commission, 1997*).

Family Law Court cases in Melbourne and Canberra between January 1994 and June 1995 found that one half of all the cases which went to pre-hearing conference involved allegations of some form of abuse. In Melbourne, 24.1% of those involved allegations of sexual abuse and 48.6% in Canberra (*Brown, Frederico, Hewitt, and Sheehan, 1998*).

In 98% of all child abuse cases reported to officials, children's statements were found to be true (*NSW Child Protection Council 1998*).

The court data shows that between 700 and 900 persons accused of sexual offences come before the Magistrates Court annually. The majority of those people charged with rape (83%) and other sexual offences (57%) are committed by a Magistrate for trial or sentence in a higher court. Approximately 45% of appearances for rape and 67% of appearances for other sexual offences result in a conviction. By comparison, the conviction rate for other types of offences is about 75%. About half of the defendants between 1994 and 1998 pleaded guilty, although significantly fewer of those accused of rape chose to do so (28%) (*Queensland Criminal Justice Commission, 1999*).

The majority of appearances for 'indecent dealing with a child under 16 years' before the higher courts which did not result in a conviction were due to withdrawal of the case ('nolle prosequi') - withdrawal by the prosecution 64.5% - and 19% withdrawal 'no true bill' by prosecution -and 4% 'admonish and discharge' dismissal of charge by the court), rather than a finding of 'not guilty' (16.5%) by the jury. %) (*Queensland Criminal Justice Commission, 1999*).

A study comparing court systems in Queensland with NSW and WA found the Queensland court system traumatised and "re-abused children". Less than half the 27 lawyers interviewed said they would want their own child involved in the criminal justice system even if a victim of serious sexual assault (*Eastwood, 2002*).

In one Queensland case, a girl, 14, was asked 30 times by defence counsel to describe the defendant's penis (*Eastwood, 2002*).

A Queensland Barrister is quoted as saying – "If I'm defending a bloke I want to make life difficult for their witnesses.....I'm not there to find the truth – no one's there to find the truth" (*Eastwood, 2002*).

A Case Study - In 1988 Katie, then aged 14, makes an official complaint of sexual assault to Qld police against her father. On 29th September 2001, after 13 years unsuccessfully fighting for her day in court and justice, she gave up. In February 2002, Katie, now mother of five, hung herself in despair. Five months after her death, her father pleaded guilty to offences against Katie and 4 others stretching between the mid 1950's to the early 1980's. He was sentenced to a total of 54 years – BUT to be served concurrently, making him eligible for parole in 18 months (*Margaret Wenham, Courier Mail Sat July 6, 2002*).

“Courts are required to enforce law rather than dispense justice. We hide such fundamental truths by sometimes describing the legal system as the justice system....as though law necessarily has some intrinsic relationships to the qualities of fairness and justice - it does not. It is the marginalised and the underprivileged members of the community who are in most need of an untouchable guarantee of protection against misuse of power (*Justice Tony Fitzgerald – former Qld corruption Commissioner and NSW Court of Appeal judge. Courier Mail 2001*).

The Effects of Criminal Sexual Assault on Children

Young people who had experienced child sexual abuse had a suicide rate that was 10.7 to 13.0 times the national Australian Rates. A recent study of child sexual abuse victims found 32% had attempted suicide and 43% had thought about suicide (*Plunkett, Shrimpton, and Parkinson, 2001*).

UNICEF has reported that in 1991, Australia had the sixth highest rate of adolescent suicide: 10.5 per 100,000 among males aged 15-19 (*UNICEF, 1991*).

In 1994, 1 in 4 deaths of 15-24 year olds were due to suicide (*Causes of Deaths Australia 1994 ABS Catalogue 3303.0*).

Depression is the most common effect of child sexual abuse (*Finkelhor 1991; Browne and Finkelhor 1986*).

A recent study indicates that an increasing number of youngsters in the 4-17 age group are suffering mental health problems – half a million all up, and nearly one in five believes there is no hope for the future (*Dr James Wright ‘Body and Soul’ Sunday Mail, July 8, 2001*).

Some sexual abuse may result in psychiatric illnesses and can be a factor in youth suicide (*Kosky, 1987; Burdekin 1993*).

Some 70% of psychiatric patients are known to have been sexually abused as children. 40 to 60% of women in care suffering depression, phobias, obsessive compulsive disorders, personality disorders and schizophrenia had been the victims of significant sexual abuse as children (*Children’s Commission of Queensland, 1997*). 90% of suicidal persons do not want to die! They simply want to escape their emotional pain. Each day, an average of 7 people in Australia complete suicide. Each day, an average, 210 people in Australia attempt suicide (*LifeForce Suicide Prevention Program – 12 Aug 02*).

Other Issues

Child sexual abuse could trigger the development of future violent behaviour resulting in criminal convictions psychosomatic responses, psychiatric disorders, long-lasting emotional problems; youth suicide, regression, sleeping and eating disorders, lack of self-esteem; nightmares, mutilation, self-hatred, promiscuous behaviour, aggression. A wide variety of later effects had been pointed out, including sexual

difficulties, inability to form lasting relationships, a serious lack of self-confidence, marital problems and poor parenting skills (*Waters & Kelk, 1991; Oates & Tong 1987*). Marital dysfunction and domestic violence are associated with higher risks of child sexual abuse (*Mullen, Martin, Anderson, Romans, and Herbison, 1996; Ferguson, Horwood, and Lynskey, 1997*) and; on the impact of child abuse on a child's depression, self-esteem and behaviour problems. (*Tebbutt, Swanston, Oates, and O'Toole 1997*).

Emotional effects include depression, fear, anxiety, anger and shame (*Beitchman Zuiker, Hood, DaCosta, Akman, and Cassavia, 1992; Conte & Schuerman, 1987; Fromuth 1986; Peters, 1988*).

Behavioural problems include withdrawal, aggression and inappropriate sexual behaviour and increased sexual risk-taking (*Ferguson, Horwood & Lynskey, 1997; McLeer, Deblinger, Henry, & Orvaschel, 1992*).

Physical effects which may result from abuse include headaches, stomachaches and sleep disturbances (*Peters, 1988*).

The effect of increased sexual risk-taking also makes victims of child sexual abuse more vulnerable to sexually transmitted diseases, HIV/AIDS, and teenage pregnancy (*Ferguson, Horwood & Lynskey, 1997; Mullen, Martin, Anderson, Romans, & Herbison 1996; Thompson, Potter, Sanderson, & Maibach, 1997*).

Effects include extreme distrust of others, self-blame, stigma, self-hatred and self-harming behaviours such as substance abuse, eating disorders, suicide and a subconscious attraction to and revictimisation by abusive partners (*Browne & Finkelhor, 1986; Chandy, Blum, & Resnick, 1996; Coffey, Leitenberg, Henning, Turner, & Bennett, 1996; Harrison, Fulkerson, & Beebe, 1997; Mullen, Martin, Anderson, Romans, & Herbison 1996; Welch & Fairburn, 1996*).

A clear relationship has been shown between child sexual abuse and lowered self-esteem (*Romans, Martin and Mullen 1996*).

In a study on New Zealand women, positive correlations between a history of child sexual abuse and mental health problems were found (*Mullen, Martin, Anderson, Romans, & Herbison 1996*).

Prostitution

A 1997 Australian Federal survey showed that 25 percent had been sexually assaulted as children (*Knight Ridder Newspapers; Mark McDonald AAP News 29.9.00*).

Hundreds of homeless children become prostitutes to survive on the streets. The Federal Human Rights Commission (Courier Mail Jan 1987) during a hearing in Cairns, was told by Cairns Anglican Youth Service Director Rev. Gordon King, (previously and subsequently convicted child sex offender) that 60 boys aged under 14 had been involved with prostitution in Cairns over 3 years. He estimated that of the 500

homeless children in Cairns, 300 had been involved in some degree of prostitution (*Children's Commission of Queensland, 1997*).

Links to Crime

80 to 85 per cent of women in Australian prisons have been victims of incest or other forms of abuse; a study of 27 correctional centres in New South Wales found that 65 per cent of male and female prisoners were victims of child sexual and physical assault; and the New South Wales Child Protection Council reported in 1992 that the probability of future delinquency, adult criminality and arrest for a violent crime increased by around 40 percent for people assaulted and neglected as children (*Murray, 2002*).

70% of prisoners were abused as children (*Children's Commissions of Queensland, 1997*).

The Costs

A recent Australian study funded by a Criminology Research Council Grant, conservatively estimates the (tangible) cost to society of child sexual assault to be in excess of \$180,000 per child (*Briggs, 1999*).

The child may experience difficulties at school and with friendships. These experiences at school are likely to affect the future academic progress of the child and reduce the likelihood of the child becoming equipped to participate in further study therefore limiting the child's future employment prospects (*Finkelhor 1991*).

The US Government Accounting Office has identified studies which suggest that the estimated cost in future lost productivity of severely abused children in the USA was between \$658 million and \$1.3 billion annually, based on the assumption that the children's impairments caused by the abuse would limit their potential earnings by just 5 to 10 per cent (*Calvert, 1993*).

In South Australia, the Department of Human Services conservatively estimated the cost of child abuse and neglect in 1995-96 to be \$354 million. Over the same period, that figure is more than the State earned from the sale of both its wine (\$318 million) and its wool and sheepskins (\$239 million) (*Murray, 2002*).

In 1995/96, the total fiscal expenditure on child abuse by the South Australian Government was conservatively estimated at \$41.4 million..... Of this, it is estimated that over \$10.3 million is currently spent in direct response to child sexual abuse (*Briggs, 1999*).



The terms of reference for a **National Royal Commission into the Criminal Sexual Assault of Children** must be far reaching and include particular reference to:

- Investigate the nature, extent, social dynamics and prevalence of child sexual assault within the community at large including, but not limited to, government, non-government, religious and other institutions, organisations and clubs;
- Determine the psychological, social & economic effects of child sexual assault on the survivors, their families and society generally;
- Identify any and all bureaucratic, commercial, cultural and institutional barriers and/or inadequacies hindering the effective protection of Australian children and proper disclosures of child sexual assault;
- Investigate current government and community attitudes and responses (financial, therapeutic, and legal) to the survivors of child sexual assault ;
- Determine whether penalties and/or treatments for child sex offenders are adequate and/or consistent in terms of occurrence, deterrence and in reducing or eliminating recidivism rates and, make recommendations as to potential alternative models that may more comprehensively and effectively address how child sex offenders should be managed;
- Investigate allegations of organised and or networked paedophilia, child pornography, child prostitution, and any involvement of people in positions of high esteem, power, privilege or authority across the Nation including Indigenous and NESB (non-English speaking background) communities;
- Investigate whether any systemic cover-up of paedophile activity has occurred within the community at large including but not limited to: police, government, non-government, religious and other institutions, organisations and clubs;
- Review all current research in relation to protecting children from sexual harm, including Indigenous communities, - victim, offender and systemic issues such that this will inform the public, politicians, clergy and judiciary of the crisis facing our children and their families;
- Review the extent to which previous recommendations for change have been carried out and what is preventing their execution (ie: Australian Law Reform Commission No 84, Family Law Court review); and
- Make recommendations in response to these issues.

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