

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 19 October 2012

Members

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Opening statement by Chair

The CHAIR — Thank you all for being here, and welcome to the first day of hearings for the Family and Community Development Committee's inquiry into the handling of child abuse by religious and other non-government organisations.

Before commencing I want to make some opening remarks about the inquiry and the powers of this committee. This inquiry will hear about responses to child abuse within a range of organisations in which the trust of the community is placed. Betrayals of trust by those who care for children outside the family home have been, and continue to be, the source of great community anger and outrage.

We know that child abuse has damaging and long-lasting consequences for people including self-harm, serious lack of self-esteem, and suicide. The harms associated with child abuse are far reaching and have devastating impacts for both the individuals and their families. Allegations of child abuse have been proven many times in the criminal justice system. Evidence suggests that there are likely to be many more undisclosed cases that have not been considered by investigatory agencies.

Throughout the community significant concerns have been raised about how such cases of child abuse in organisations have been handled. The Victorian government has asked this committee to inquire into these responses by non-government organisations. Much attention about the handling of child abuse has been publicly directed at particular religious denominations, yet this inquiry is not confined to any one religion or denomination. While there may be cause to consider matters in specific religious organisations, the inquiry will consider responses to child abuse by all non-government organisations raised before the committee.

The inquiry focus is specifically directed to the handling of child abuse in non-government organisations. The committee has been asked, amongst other things, to consider how practices and processes within these organisations discouraged reporting to state authorities and possibly contributed to both the incidence of offending and the effective denial of justice to victims. It will also seek to identify systemic and legal solutions to improve responses to child abuse in religious and other organisations.

It may not be generally understood that the committee has substantial powers and privileges as a joint house committee of the Victorian Parliament. It is important to point out that the committee has the same or equivalent powers and privileges as a court, judicial inquiry or royal commission. It has the power to call for any witnesses to come before the inquiry, to produce any and all documents and to answer questions relevant to the terms of reference. It can issue a parliamentary subpoena to require the attendance of any person before the committee. Contempt of Parliament can apply when the committee rules and orders are not complied with.

Witnesses who appear before this inquiry must be truthful in all their evidence. If a witness at a public hearing feels uncomfortable about providing particular details relating to past events, they should immediately advise me, as Chair of the committee. The committee has the power to take evidence confidentially if needed. In addition, the committee has powers and privileges that extend beyond those of a court, judicial inquiry or royal commission that relate to parliamentary privilege. This is a key form of transparency, accountability and free speech in a democratic society and is unique to the Parliament. It allows members of Parliament and people to seek and speak the truth in a way that other settings do not necessarily allow.

The extent and candour of many of the submissions received to date reveal the willingness of parties on all sides to explore the truth and pursue the issues in the committee's terms of reference. It is not anticipated that the committee will need to use these powers, but if necessary it will exercise them. At the same time it is important that this privilege is not misused. In the event that any unsubstantiated imputations against individuals are made, the committee has the right to suspend the hearing and to issue a suppression order on publication. The committee will also provide a right of reply to any affected person who is the subject of an adverse allegation in evidence to the committee. Obviously in undertaking its task the committee will endeavour to remain acutely conscious of the need to seek the truth while at the same time protecting the reputation of individuals against unsubstantiated allegations.

Having said this, it is important to remind everyone that it is not the role of this committee to investigate specific instances of abuse in a forensic manner. This is a role for the police or the court process. The committee is aware that people are seeking justice and that the appropriate investigatory authorities need to address allegations of criminal conduct. It also recognises that victims and their families may need counselling during

the inquiry process and ongoing support afterwards. Working with the Victims Support Agency and Victoria Police, the committee is establishing parallel processes of support and avenues for investigation.

Firstly, the Victims Support Agency is providing counselling options and support to victims participating in the inquiry, both during and beyond the duration of the inquiry. Secondly, in responding to criminal allegations the committee is establishing a referral pathway to ensure that people are provided with professional advice on pursuing criminal and civil options. With the consent of victims, referrals can be made to the Victims Support Agency and where appropriate to Victoria Police. Finally, to ensure that it validates and confirms the findings emerging from the evidence the committee hears, it is establishing a robust process for investigatory analysis of particular allegations.

The committee acknowledges that it has been tasked with a significant responsibility in undertaking this inquiry. There has been substantial interest in the inquiry, and the committee has received hundreds of submissions. The committee will thoroughly examine and consider the evidence that has been provided. In undertaking this inquiry we are committed to working with the Victorian community and the appropriate authorities to address how non-government organisations have responded to abuse of some of the most vulnerable individuals in our community and what changes are needed to improve the handling of such cases in the future.