



Roundtable into Preventing child sexual abuse in out-of-home care – Opening statement

Justice Jennifer Coate

16 April 2014

Good morning and welcome to the first roundtable discussion convened by the Royal Commission into Institutional Responses to Child Sexual Abuse.

I would first like to acknowledge the traditional custodians of the land upon which we meet today, the Gadigal people of the Eora nation and pay my respects to their Elders both past and present.

As you are aware, in January 2013 a six-member Royal Commission was established to investigate institutional responses to child sexual abuse in Australia. As part of this inquiry, the Royal Commission is required to consider what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future.

To fulfil its Terms of Reference, the Royal Commission is working in a number of different ways, through public hearings, private sessions, undertaking research and engaging in various forms of community and stakeholder discussion.

Today we add another way of gathering information with this first roundtable discussion.

Roundtables will form an important part of the work of the Royal Commission. Their purpose is to bring together people with a range of perspectives, expertise and experience to exchange ideas on a variety of important topics. This discussion will then inform our deliberations in developing recommendations.

Where relevant, representatives of all state, territory and commonwealth jurisdictions will be invited to participate in roundtables. I acknowledge that the Commonwealth and all states and territories have sent a senior officer to contribute to the discussion today.

In addition, we have today and will continue to invite participants who bring expertise and/or perspectives that are of particular interest to the Royal Commission. Today that includes statutory officers – such as the Commissioners for Children and Young People from Victoria and the Northern Territory and the NSW Deputy Ombudsman - as well as research and policy experts, care providers, those working to amplify the voice of children in care, policy experts, victims' advocates and those supporting, training and working with carers.

We have specifically sought to include the expertise of Aboriginal and Torres Strait Islander people and organisations in the discussion today, and we anticipate conducting further, more targeted discussions with a wide range of Indigenous groups.

It is important to note that roundtable participants are not expected to 'represent' a particular perspective or speak on behalf of a particular group. Each of them is invited to speak from their own and their organisation's experience and expertise.

No commitments or decisions will be expected or made at roundtables and the discussion here today does not constitute the views, findings or recommendations of the Royal Commission.

In order to facilitate a dynamic yet effective discussion, the number of participants must be restricted. We acknowledge that there are many people who were not invited to participate today but nonetheless have valuable insights to contribute. There will be opportunities for these to be presented to the Royal Commission through other forums. Any interested party can also make submissions to the Royal Commission on matters discussed today. Directions for making such submissions will be available on our website in the coming days.

Roundtables are held in public and provide an opportunity for the public exchange of ideas. This discussion is being recorded and a podcast of this discussion will be available on our website in the coming weeks.

This first roundtable focuses on preventing sexual abuse of children and young people in out of home care. By opening with this area of work, we acknowledge the importance of protecting some of our most vulnerable children and young people.

The Royal Commission has already received substantial input on out of home care through submissions to Issues Paper 4: Preventing sexual abuse of children in out of home care in response to Issues Paper 4: Preventing Sexual Abuse of Children in Out of Home Care.

We received 63 submissions from a diverse range of interested parties including all levels of government, Children's Commissioners and other public sector agencies, community services (including Out of Home Care providers and other service delivery organisations), advocacy organisations, peak bodies and individuals, including people who have experienced Out of Home Care.

A number of recurring themes were identified in the submissions and we will further explore them in today's discussion.

Following this roundtable, more specific discussions will be held focusing on areas such as children with a disability in the out of home care system. We also anticipate further discussions with foster and kinship carers in the near future.

The 'institution' of out of home care includes the provision of care for children and young people who are unable to live with their parents for many reasons. On 30 June 2013, the Productivity Commission reported that 40,624 children and young people were in out of home care across the country. Of these, 13,914, or just over 34%, were Indigenous.

Children and young people in care are cared for in many settings, with the majority of children living in foster or kinship care. The most recent statistics, from 2012, indicated that about 5.2% of children live in residential care. Young people may also find themselves in other settings such as independent living arrangements or other informal arrangements. We know that many young people in out of home care reside in far from satisfactory emergency or temporary accommodation, are homeless or are in juvenile justice facilities.

We know that the children and young people placed in out of home care have experienced complex and often traumatic life experiences that increase their vulnerability.

Information from the research we commissioned into the prevalence of child sexual abuse emphasizes the importance of our focus on out of home care today. The rates of sexual abuse incidents against children in out of home care reported in the prevalence study varied across states, but were higher than that of all children in all jurisdictions. The rate of children and young people in out of home care who report an incident of sexual abuse to police may, in some jurisdictions, be up to ten times greater than that of the general population of children and young people. The prevalence study has also indicated that peer-to-peer sexual abuse is an area of significant concern.

We are still finalizing the prevalence study and this will provide the most up to date national figures. At this stage on the face of the material being analysed there are worrying figures emerging about the sexual abuse of children in out of home care.

While there is much to learn from the experience of children and young people in institutional care in past decades, we want to focus today on the contemporary out of home care issues.

With this in mind, today's discussion will focus on the following general areas:

- monitoring and oversight of out of home care
- recruitment, training and support of carers
- prevention through practice, and
- supporting and responding to children who have experienced sexual abuse in care.

Commissioner Fitzgerald, will also be facilitating today's discussion.

I welcome you all to our first roundtable and look forward to a fruitful day of discussion.