

### **MATTERS OF PUBLIC INTEREST: Children: Sexual Assault**

[Senator MURRAY](#) (Western Australia) (1.15 p.m.) —The criminal sexual assault of children is an appalling crime, because it is a crime perpetrated on the most vulnerable members of our society. It is an appalling crime because it has a lifetime effect on the victim and because of the savage cost to society of this evil. The scale of this crime—the number of victims and the number of criminals—has never been properly assessed in Australia. Until recently, the sexual assault of children has largely been viewed as an occasional individual crime. That it has also been organised and protected has remained relatively hidden. The grim truth and the grim statistics are slowly unfolding.

There are two types of criminals and two types of crime: those who commit the crime of sexually assaulting children, and their fellow travellers, their accomplices, and those who criminally conspire to conceal those crimes and protect the perpetrators. Some church leaders are rightly accused—but far too few have been charged—with aiding and abetting, being an accessory after the fact, obstructing the administration of justice, compounding a felony and criminal conspiracy.

There is a third category of villains. They include any politicians who refuse to address the problem, who have manufactured statutes of limitation that prevent victims having their day in court, who do not, or will not, permit mandatory reporting, who have poor public policy in this area or who starve good agencies of money and resources. This class of villain includes every churchman who advocates hush-up internal procedures for keeping paedophiles out of the hands of the police. It includes defence lawyers who terrorise child sexual assault victims who come forward, DPP offices which deliberately let files die, police who defer to a cleric's collar rather than to a victim's pain, spineless people in the bureaucracy and health sector who have not done their job, and church leaders who pay hush money.

Then there are the warriors: determined police, dedicated lawyers, courageous health and social workers, community crusaders and priests who loathe the evil in their midst.

All over the world, new stories keep emerging about the previously hidden history of the common sexual assault of children by priests and their subsequent protection by the church authorities. And, all over the world, the victims are starting to call the churches to account.

In the *Australian* of 14 June, it was reported that 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 *Age* reported on 19 April that, 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. On 14 April this year, Radio National's *Background Briefing* reported on child sexual abuse and the churches, and gave some staggering figures. For instance, in the United States, 2,000 Catholic priests have been disgraced because of their abusive behaviour, with many facing prosecution in the criminal courts. The church has agreed to pay out

hundreds of millions of US dollars to victims. In Ireland earlier this year, 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. In Canada, the Anglican diocese of Caribou went bust because it literally ran out of resources to pay compensation to victims of sexual assault. Here in Australia the Anglican Church is facing a financial battering, with dozens of abuse victims suing the church. Lastly, the report stated that more than 100 clergy from the Catholic and Anglican churches have been convicted of child sexual assault in the past five years.

In Australia the Eros Foundation, in its 2000 publication, *Hypocrites*, stated that during the 1990s Australian courts dealt with nearly 450 individual child sexual assaults by priests. We also know that 250 men from the Voices group put in Australia's first sexual assault class action a decade ago, detailing thousands of assaults on children by the Christian Brothers. Those brave pioneers could not get remedy through the criminal courts, and a malicious church wore them down in the civil courts. Last week, we learnt of a record payout when the St John of God Catholic religious order agreed to pay \$3.6 million in compensation to 24 intellectually disabled victims of sexual assault at boys homes in Victoria between 1968 and 1994.

Bearing in mind that the vast majority of adults sexually assaulted as children will never come forward, the numbers who have taken action in Australia are high. The *Bulletin* magazine of 18 August quoted 1,000 cases in Australia being pursued right now. The possible numbers are frightening. In the United States, the former monk Richard Sipe, who has formidable qualifications, reveals in the Sipe report, and without apparent fear of contradiction, that five to seven per cent of United States Catholic priests have molested children. It is good that 94 per cent of United States Catholic priests are likely to be okay. But if six per cent of 50,000 United States Catholic priests were to have sexually assaulted an average of 100 children over a 50-year career span, you would be talking about 300,000 victims. There is no research here to tell us what the Australian percentage is, but, on the same figures, six per cent of the 4,500 Catholic priesthood in Australia would mean 270 would have molested Australian children. Multiply that by a possible 100 victims over a paedophile priest's lifespan and we would have 27,000 Australian victims.

The Australian Institute of Health and Welfare report, *Child Protection Australia 2001-2002*, reveals a very grim picture. For instance, the number of substantiated cases of abused and/or neglected children was 27,367 in 2000-01. Of these substantiations, a total of 3,794, or 14 per cent, were for sexual assault.

All research indicates that estimating the extent of child sexual offences in the community is very difficult. With the high level of underreporting, we will likely never know the true extent of the problem. Secrecy and intense feelings of shame generally prevent children, and adults aware of the abuse, from seeking help.

Research and experience show that it is not until victims are much older adults that they are able to confront and deal with their painful and traumatic childhood experiences. By then, the unjust nature of statute of limitations laws prevents those responsible being prosecuted.

The extent and nature of the criminal assault of children mean Australia is burdened by considerable social and economic consequences. A significant percentage of these victims can descend into any of welfare dependency, failed or dysfunctional relationships, unemployment, homelessness, substance abuse, abuse, crime and suicide.

Australian statistics back this up. For instance, volume 19(2) of the 1994 *Alternative Law Journal* reports that 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 per cent for people assaulted and neglected as children.

Various other studies reveal that a high percentage of those leaving care had suffered child sexual assault and that a high percentage of people suffering from severe mental illness had been the victims of child sexual and physical assault. How terrible to discover the part that church protected paedophiles have played in all this.

The economic costs are likely as large as the social costs. In South Australia, the Department of Human Services conservatively estimated the cost of child abuse and neglect in 1995-96 to be \$354 million. That figure is more than the \$318 million the state earned in the same period from wine exports, or the \$239 million from the export of wool and sheepskins.

Something is terribly amiss if the Australian government can ignore the pressing moral and social imperative and urgent need for a royal commission into the sexual assault of vulnerable children. Under the Royal Commissions Act, royal commissions have wide powers, including compulsory interrogation, punishment for contempt and the issuing of search warrants. Judges sometimes head royal commissions but they do not exercise judicial power. A judicial inquiry is sometimes used as a synonym for a royal commission. It is more commonly simply a government inquiry headed by a former judge, but it may also be quite specific under a statute.

An inquiry into the scale of the sexual assault of children and the concealment of crimes within churches or other institutions could only ever be successfully pursued through a royal commission, because of the powers attached to them to issue warrants, pursue discovery and initiate a thorough investigation. A royal commission is ordinarily appointed when there is no other way to deal with a major problem and where there is widespread national public concern. If there is any case that warrants a royal commission, it is this.

Such is the growing public outrage in Australia about child sexual assault, and particularly the role of the churches in it, that we can no longer ignore the calls for a royal commission. This is a vice which has affected the lives of probably hundreds of thousands of Australians. Cases of child sexual abuse perpetrated by the religious and others must be faced, no matter how difficult that may be. They are not to be trusted to cure themselves, and they have breached their sacred mission. The state must therefore act. In an article titled 'Church needs the law of man' in the *Age* on 6 June,

Dr Chris Goddard, the director of the Child Abuse and Family Violence Research Unit at Monash University, said the following:

There appear to be many opportunities for the full force of the criminal law to be brought to bear upon those in positions of power who have not taken reasonable steps to protect children. Surely, the bishop who has transferred from one parish to another a priest who is the subject of complaints has failed in his duty of care to the children of the next parish? Aiding and abetting, being an accessory after the fact, obstructing the administration of justice, compounding a felony, even criminal conspiracy, are crimes that would spring to mind if it were drug dealing or car theft that we were concerned about.

I remind the Senate that in America they are using the racketeering laws to get at those very vices.

I end by reminding the Senate what Nelson Mandela said when he visited Australia:

A nation that doesn't protect its children isn't fit to be a nation.