



**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE
AT SYDNEY**

COMMONWEALTH OF AUSTRALIA

Royal Commissions Act 1902

Royal Commissions Act 1923 (NSW)

**PUBLIC HEARING INTO
CRIMINAL JUSTICE ISSUES AND CONSULTATION PAPER
CASE STUDY 46**

THE HON JUSTICE PETER MCCLELLAN AM, CHAIR

In September this year, we released the Royal Commission's Consultation Paper on Criminal Justice.

It became clear to us early in our work that the criminal justice system's response to institutional child sexual abuse to date has not been adequate, although it has improved in some respects in more recent years.

It is true that some survivors have obtained a strong sense of validation from an effective criminal justice response. However, many survivors have told us of the difficulties they have experienced in seeking a criminal justice response, and the disappointment – and in some cases the harm – caused by poor or inadequate criminal justice responses.

Sexual assault of children has the potential to, and often does, cause significant and persistent trauma for the person assaulted. Because it may and generally does take many years for the victim to disclose, although the memory of the essential incidents remains –

often resulting in post-traumatic stress disorder symptoms – the recollection of all the details required by the criminal law may not be present.

An effective criminal justice response should be available to condemn and punish child sexual abuse offences, in the interests of victims and the broader community.

Many of the issues in criminal justice are very complex ones. Some of the issues raise very technical difficulties, and many of them involve competing interests between the prosecution and defence.

The purpose of this public hearing – the 46th public hearing of the Royal Commission – is to enable Commissioners to obtain as much assistance as possible from interested parties in considering these issues. The evidence we hear this week, together with all of the written submissions to the Consultation Paper, will help Commissioners to reach our final views and make our final report on criminal justice, which we intend to do in the middle of next year.

On behalf of all Commissioners, I acknowledge and thank all of those who have contributed to our criminal justice work to date, whether through research, roundtables, public hearings, private sessions, responding to issues papers and of course through submissions to our Consultation Paper.

Inevitably we are not able to hear from everyone who has made a submission to the Consultation Paper at this public hearing. However, many views and interests will be explored in this hearing. I acknowledge and thank in advance all those who will give their time this week to assist us in considering these difficult issues. All contributions to our criminal justice work will help to inform our final report.