

Submission to the Royal Commission into Institutional Responses to Child Sexual

Consultation paper: 'Responding to complaints of child sexual abuse in institutions'.

I welcome the opportunity to make a submission to the *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutions* commissioned by the Royal Commission into Institutional Responses to Child Sexual

May I begin by congratulating the Commission on developing the Consultation Paper. It offers a much needed and overdue framework which may assist many statutory and non-government organisations where children and young people are at risk of sexual abuse.

It marks an important step toward promoting significant policy, cultural and ethical change in organisations especially those with long histories of child sexual abuse whose leaders and professional workers failed for too long to deal adequately with disclosures of child sexual abuse that was brought to their attention.

There are three points I make.

(i) The Royal Commission is to be encouraged to make recommendations encouraging and protecting people of all ages who make disclosures about child sexual abuse.

(ii) The Royal Commission is to be encouraged to make recommendations to various governments to examine and make appropriate changes to legislation currently making it illegal for officials and practitioners (eg., child protection practitioners or volunteers etc) to speak publicly about concerns they may have about unlawful conduct including child sexual abuse.

(iii) The Royal Commission is to be encouraged to investigate and make findings and recommendations in relation to complaints of child sexual abuse in Australian run off-shore asylum seeker detention centers (eg., Manus Island (PNG) and Nauru).

1. While the paper rightly pays attention to ensuring organizations make it safe for children and young people to make disclosures or complaints within a given organization, too little attention is given to making it safe for others including employees, volunteers and so forth to make disclosures or complaints on behalf of a young person or child - or to reveal other information they may have regarding sexual abuse of children and young people perpetrated by others within that organization.

Cultures of fear, self-censoring and obedience to authority inhibit many staff from speaking up about child sexual abuse when they become aware of it within their workplace. That becomes worse when senior managers and some colleagues actively dissuade potential whistleblowers with a combination of implied or actual threats and inaction. This becomes problematic should the offender hold a senior position in the organization - or at least a position that is senior - to the complainant.

The Commission needs to recognize the need to encourage and to protect 'whistleblowers' when they wish to make disclosures of child sexual abuse within and outside the organization in which they work or volunteer or live. The unfavorable repercussions are real and can be damaging leading for example to adverse action, to job loss, loss of other opportunities within the work place.

I cite my own experience to illustrate this point. In the early 1990s I worked as an academic in a youth work programme that educated youth workers. Some of my students reported inappropriate sexual conduct (toward themselves as young people and towards younger children), by a then senior university staff member and another person working in the child protection system in Melbourne. I reported the content of the disclosures to senior managers in my workplace. The person I complained about was my direct manager and responsible for not renewing my employment contract. I lost my job. The substance of the complaint I made was subsequently investigated confirmed by a number of internal inquiries within the university and by one external inquiry.¹ I also reported this to the Human Rights and Equal Opportunity Commission (HREOC). There was no public acknowledgement of any wrong-doing or unlawful conduct relating to the person in question. The individual concerned was quietly 'moved on'.

I add that in 2012 that complaint from the early 1990s along with a similar complaint I made in 1996 at another workplace (about sexual misconduct involving young people and a senior employee in that organisation), was identified by my then manager in a formal email to the Vice Chancellor as a 'reason' why I should be made redundant -which duly occurred. In 2013 in a case before the Federal Court of Australia and a judgement made that I had been subjected to adverse treatment. The court ordered my reinstatement and the university was fined.

My case is not unique. I have worked in the youth sector for a number of decades and have seen evidence of a reluctance on the part of many practitioners and managers not to speak out. This is particularly so in contexts where job security is a major concern and where power relations are such that a person contemplating making a complaint has good grounds for fearing negative repercussions.

2. It is currently unlawful for people working as professionals in statutory systems like the child protection system and juvenile justice to speak publicly about cases of malfeasance in general and child sexual abuse in particular. As public servants they are generally required not to disclose matters like child abuse outside their organization. Many are also required to sign non-disclosure statements as part of their employment contract. Various Codes of Conduct now prohibit employees from speaking outside the organisation about sensitive matters. For example, Queensland *Public Service Code of Conduct*, New South Wales *Department Code of Ethical Conduct*, the Victoria, the *Code of Conduct for Victorian Public Service Employees*. This leaves few options for those whose complaints are ignored internally.

There is a strong case for the Royal Commission to make recommendations to state and federal governments about the need to examine and change these legislative mechanisms which shelter and protect personnel engaging in child sexual abuse by prohibiting what ought to be regarded as lawful and protected disclosure.

3. The third related matter I raise relates to best practice in responding to complaints of child sexual abuse in Australia's off-shore detention centers established on Manus Island (PNG) and Nauru). [REDACTED]

¹ Eg, by university inquiries (one led by the former Victorian Equal Opportunity Commissioner Faye Marles) and by a State Government inquiry involving the former Minister for Youth Affairs, Vin Heffernan, that led to a Review of Youth Work education in Victoria in 1995.

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There is a case for the Royal Commission to make recommendations to the Federal government to make it lawful for workers and officials on Manus Island and Nauru to make lawful and protected disclosures about instances of child sexual abuse

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