

ADDITIONAL REMARKS BY SENATOR STEVE HUTCHINS

The following remarks are made in addition to the report, not in opposition to it. Throughout the Committee hearings, I have been deeply moved by the stories of many witnesses. The following remarks propose what I believe are more effective means of achieving the same objectives as the recommendations which are included within the body of the report.

In my opinion, the objective of any report such as this should be to achieve the best possible outcome for the aggrieved group concerned.

As such, I believe that addressing the issues of reviewing governments' procedures, the actions of individuals over time, the culpability of individuals and organisations and reforms to be undertaken to prevent further abuse are best dealt with through a protocol developed by the Council of Australian Governments.

A Royal Commission could be counter-productive in terms of the allocation of resources and the outcomes it would achieve. Addressing these issues through COAG would provide governments with the opportunity to work with each other and develop appropriate methods of addressing the concerns of former children in institutional care.

Royal Commissions are exceptionally expensive exercises in the context of the fact that that money could be better spent assisting victims themselves. Also, the objective of establishing a Royal Commission is to encourage State and Territory governments to comply with the Committee's recommendations. Yet it is doubtful that a proposed Royal Commission, without the support of any government, which is recommended by a Senate committee would have any impact at all upon the actions of the State and Territory governments.

The work of the Senate Community Affairs References Committee has been significant, in depth and wide-ranging. We have held eight days of hearings, received 440 submissions and produced a detailed report with a long series of recommendations which reflect the evidence we received. Establishing a Royal Commission would duplicate the Committee's work (and also the work of judicial inquiries in some states). For some people, providing evidence to the Committee was a draining and emotional experience. To ask them to do so again would, in many ways, indicate that what they have already put on the public record is not enough. Resolution is required, and a Royal Commission would simply serve to prolong a period of uncertainty which has already continued for decades.

On the other hand, a protocol established through the Council of Australian Governments would be an effective means of developing cross-government methods of achieving the desired objectives of the Committee. As such, I would suggest that the following procedure be followed:

That the Council of Australian Governments develop a protocol which outlines steps and target dates to achieve the following objectives:

- to review comprehensively the child protection policies of the relevant government, from the starting point of those policies' implementation until the present;
- to consider individual cases and complaints which are currently outside the statute of limitations. The objective would be to determine whether abuse has occurred, and if so, how compensation can be provided through the compensation fund established and managed by the Australian Government;
- to examine the responsibility of all institutions which have operated in the past, with a view to urging them to contribute to the national fund; and
- to develop and implement a series of reforms to ensure that abuse does not occur in the future.

In addition, I am concerned by the recommendation that State and Territory governments should review the applicable statutes of limitation in their respective jurisdictions. Firstly, any Federal body has a limited right to intervene in the work of a State or Territory. Secondly, reflecting my point regarding the Royal Commission, COAG is in a unique position to develop a co-ordinated approach to the Committee's concerns regarding statutes of limitation. As such, I would suggest that a review of the effect of these matters be discussed and acted upon by the next Council of Australian Governments.

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