



Royal Commission into  
Institutional Responses to  
Child Sexual Abuse

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

**PUBLIC HEARING INTO  
INSTITUTIONAL RESPONSES TO THE CONDUCT OF STEVEN LARKINS**

**OPENING OF SENIOR COUNSEL ASSISTING**

1. The Royal Commission will hold four public hearings before the end of 2013.
2. The first public hearing commences with the consideration of institutional responses to the conduct of Steven Larkins, once a Scout leader and formerly General Manager of Hunter Aboriginal Children's Services (HACS) in New South Wales.
3. The second public hearing will concern the circumstances in which Jonathan Lord was employed by YMCA and the policies and procedures in place at YMCA including for training and supervision of staff. The responses of YMCA and the Police to allegations made in 2011 that Jonathan Lord sexually abused children in the care of YMCA will also be examined.

4. The third public hearing will examine the handling of complaints and civil litigation concerning child sexual abuse in the North Coast Children's Home by the Anglican Diocese of Grafton in 2006 and 2007.
5. The final public hearing this year will hear evidence about the establishment, operation and review of the Towards Healing process by the Catholic Church. In addition, it will explore how that process works in practice with evidence from a number of people who have participated in it.
6. Investigations are well under way for public hearings in 2014 and I can say at this stage, that an orphanage will be the subject of an early public hearing as will one or more institutions within the Catholic Church and the Salvation Army.
7. Turning now to the first public hearing and the evidence which is expected will be given over the coming days.
8. In 2012, Steven Larkins pleaded guilty to and was convicted of a number of offences including the aggravated indecent assault of two minors, one aged 12 years and other 11 years, possession of child abuse material and dishonesty offences perpetrated to avoid detection. The minors he assaulted were scouts and the assaults occurred in 1992 and March 1997 while Steven Larkins was a Scout Leader.
9. Five institutions are the focus of the hearing: Scouts Australia, New South Wales, HACS, two State agencies who had responsibility for checking people who worked with children, together with the NSW Police Force.

10. This case study is expected to provide important insights into how and why a person about whom there were concerns since the early 1990s, remained as a Scout Leader, evaded a State run vetting process designed to expose him, escaped early prosecution, obtained employment in a non-government agency charged with providing a safe place for children, which itself was under the close scrutiny of the State, and was allowed to be the carer of a young person.
11. The public hearing will be divided into the following groups of witnesses.
12. First, the Royal Commission will hear from the two boys, now men, who were indecently assaulted by Steven Larkins while they were in the Scouts in 1992 and 1997: witnesses AA and AC. Witness AA will give oral evidence by video link. Witness AC and his mother AB have given written statements to the Royal Commission but will not give oral evidence. Their witness statements will be read from the bar table. The two men, the victims of the indecent assaults will detail the impact the abuse had on them and their families.
13. Second, the Royal Commission will hear from witnesses from Scouts New South Wales who from the early 1990s through to 2000 heard a number of rumours about Mr Larkins' behaviour as well as receiving direct allegations against him.
14. The evidence is expected to be that those rumours and allegations concerned first, that on a camping trip where a particular scout had been in cold water Mr Larkins had climbed into a sleeping bag with the scout, apparently to keep him warm. A second allegation was that Mr Larkins had been found showering naked with other scouts on a similar camp (a

practice that it appears was not uncommon at the time); and thirdly that Mr Larkins had allowed a scout to sleep using his, Mr Larkin's shoulder as a pillow in a tent on a scout activity. All of this conduct was said to have occurred in the early to mid 1990s.

15. In addition, the evidence is expected to reveal that in April 1997, Mr Larkins was seen outside Stockton Pool handing out sweets to children and inviting them to come along to join Scouts. He was observed by the parents of a number of young scouts and a Scout group leader reported him to Mayfield Police. The Police said that while this was all highly suspicious, it was not a chargeable offence and they could not do much more than keep an eye on him.
16. The Scouts responded to this incident promptly by giving Mr Larkins an official warning and removing him from any "face to face" work with scouts.
17. A couple of months later, in July 1997, AC told his mother that Steven Larkins had sexually abused him earlier that year, in March 1997. His mother informed the Police and over the next eight or so months the Police investigated the allegation and took statements. Senior Constable Turney was in charge of the investigation into Steven Larkins. The Police told the Scouts that Mr Larkins had been reported for child abuse, although it appears that little detail was provided.
18. Interim apprehended personal violence orders (AVOs) were taken out in March 1998 by Senior Constable Amloh against Steven Larkins in protection of AC. In May 1998, the Police sought the view of the Director

of Public Prosecutions (DPP) as to whether to prosecute Mr Larkins for aggravated indecent assault.

19. In July 1998, about 12 months after AC's mother first informed the Police, COPS records that Senior Constable Amloh told Senior Constable Turney that the DPP advised that the prosecution was not likely to proceed. A conversation with AC's mother took place shortly thereafter.
20. The evidence is likely to show that the DPP was not of that view and indeed, a few days later the DPP wrote to Senior Constable Turney recommending that the prosecution go ahead.
21. By September 1998, Senior Constable Turney recorded that the information provided by Senior Constable Amloh about the prosecution not proceeding was not correct. However, it seems likely that by this time, AB told Senior Constable Turney that AC was no longer willing to go ahead with the prosecution because of 'delay and the initial misinformation'.
22. This part of the hearing will consider the processes undertaken to investigate and prosecute Mr Larkins and why the prosecution did not proceed in 1998, notwithstanding the view of the DPP that there was sufficient evidence to prosecute Mr Larkins for aggravated indecent assault.
23. Returning to the Scouts, in early 2000 AA told a Scout Group Leader that Steven Larkins had indecently assaulted him in 1992. Mr Larkins was suspended from Scouts and the matter was reported by Scouts to the Child Protection Team at Newcastle Police Station.

24. Ultimately, AA did not want to go through with the prosecution at that time.
25. In February 2003, having been suspended for about three years, the Scouts brought about Steven Larkins' resignation from the Scouts. At this time, there was an obligation on employers to inform the Commission for Children and Young People (CCYP) of certain completed disciplinary actions taken against, among others, volunteers. Whether Scouts was required to notify CCYP of the suspension and the resignation of Mr Larkins will be explored.
26. Next, the Royal Commission will hear from Ms Kerryn Boland, the Children's Guardian and Acting Commissioner for Children and Young People, and from Ms Maree Walk, Chief Executive of Community Services, a division of the Department of Family and Community Services, formerly known as the Department of Community Services (DoCS).
27. Their evidence will concern, among other matters, the relevant child protection regimes that applied from 2000 and the current policy, regulatory and legislative protections that exist.
28. In 2000 the requirement for those working with children to be checked was introduced. Such screening checks were intended to vet persons who had direct unsupervised access to children in their employment.
29. The working with children check included consideration of any relevant unproven charges of the applicant relating to sexual activity, acts of indecency, child abuse and completed disciplinary proceedings involving child abuse, sexual misconduct or acts of violence and final AVOs.

30. In that year 2000, Steven Larkins commenced employment with HACS, most likely initially as the Co-ordinator with the title later changed to General Manager. His employment commenced shortly before the introduction of the requirement for working with children checks to be conducted on new employees.
31. On 12 February 2003 Steven Larkins applied to DoCS for a working with children check. Why he did so at that time will be explored. He nominated himself as the contact person for the check.
32. A search of Mr Larkins criminal record, undertaken as part of that check, revealed he had a court date of 26 March 1999 for a charge of aggravated indecent assault. Evidence will be given that this entry was in error because in fact Mr Larkins had not been charged with that offence as at 2003.
33. Mr Larkins was told of the results of the search. He then told DoCS that he had never been convicted or charged with any offence including any child related offence. He did say that in 1997 a child had made an allegation against him but that it was investigated by NSW Police and was dropped with no action taken. All of that, the evidence is expected to reveal, was correct. The Newcastle Police told DoCS that although a summons had been requested no summons had been issued.
34. DoCS conducted a final assessment as part of the working with children check and, ultimately, rated Steven Larkins as a medium risk. Mr Larkins, as the contact person, was so advised. However, no one else at HACS, including the management committee, was advised by DoCS. The

Ombudsman was later critical of this action describing it as a very significant shortcoming in practice.

35. In 2004, Mr Larkins sought a review of the medium risk assessment made of him on the basis that he had never been charged or convicted. Mr Larkins provided further information to DoCS, including his curriculum vitae and references.
36. At this point in the chronology, administration of the working with children checks changed from DoCS to CCYP. Responsibility for the working with children check now, as of June 2013 rests with the Office of the Children's Guardian.
37. As part of ongoing communications with CCYP about the review of his working with children check assessment, Mr Larkins said that as co-ordinator of HACCS he did not have direct contact with children. Mr Larkins confirmed that was the case in a statutory declaration. The evidence will reveal that this declaration was false. Mr Larkins was asked to have his supervisor provide support for his assertion. He provided a letter from a person he claimed to be a supervisor which purported to confirm that Mr Larkins did not have direct unsupervised contact with children. The evidence will reveal that that letter was falsely created by Steven Larkins.
38. On the basis of Mr Larkins' declaration and the letter, it was determined by CCYP that his position was not in child related employment. Mr Larkins was told by CCYP that *"it would appear that your position does not meet the criteria for the working with children check... [as] one of the essential criteria of the position is direct unsupervised contact with children."* CCYP withdrew the medium risk assessment.



39. Ms Boland, the current acting Commissioner is expected to give evidence that the withdrawal of the risk assessment outcome was inconsistent with the policies and practices in place at the time. The Ombudsman made a decision not to review the practices of CCYP in respect of this review.
40. In the meantime, Mr Larkins had created a false working with children check which he had placed on his file at HACS. That was dated February 2003 and recorded that he was clear.
41. The final group of witnesses will be employees and members of the management committee of HACS which, as I have indicated, was funded by the State to provide, among other things, case management of certain Aboriginal children in foster care. The organisation no longer exists.
42. There were significant changes made to the regulation of out of home care over the last decade or so.
43. First, in the early 2000s, it was the practice of DoCS, primarily with Aboriginal children, to seek orders from the Children's Court that parental responsibility be allocated to 'suitable' principal officers of certain designated agencies. This contrasted with most children who were under the parental responsibility of the Minister for Community Services.
44. HACS was such a designated agency and Steven Larkins held the position equivalent to a principal officer. The Children's Court had allocated parental responsibility to Mr Larkins for a number of children. By virtue of his role as principal officer, the regulations in place had the effect of making him also an authorised carer for the purpose of children in out of home care.

45. This approach of seeking these orders was consistent with the legislation in place at the time and what is known as the Aboriginal Child Placement Principle which prefers placement of Aboriginal children in Aboriginal families as far as possible. While that Principle remains applicable, the practice of giving parental responsibility in this way no longer occurs.
46. In the case of Mr Larkins, there were no checks performed by DoCS to determine whether, in fact, Steven Larkins was a suitable 'principal officer'. The legislation at the time did not mandate this, however, the Ombudsman was of the view that not doing so was a significant departure from good practice. The Act now requires principal officers to have a working with children check carried out.
47. Secondly, by 2003, agencies providing foster care for children in out of home care, like HACS, were required to be accredited. HACS was given interim accreditation by the Children's Guardian and, because it did not at that time meet the relevant standards, was in what was known as the Quality Improvement Program. That meant that from 2003, the Children's Guardian had worked closely with HACS to monitor its progress in complying with the relevant standards for providing out of home care.
48. HACS was responsible for supervising the care of a young person who will be referred to as AD. The Royal Commission will hear about what HACS employees knew of text messages between Mr Larkins and AD, for whom he had parental responsibility, sent in 2010. They included Mr Larkins texting, among other things "Hey I love you but you should go home tonight so we don't get caught". The Royal Commission will hear what action HACS employees took and to which agencies they may have been

required to report the conduct of Mr Larkins as disclosed in these messages.

49. The evidence will consider the way in which Mr Larkins was permitted to care for AD in late 2010. The Office of Children's Guardian expressed concern at this arrangement when meeting with HACS' managers on 2 March 2011.
50. Ultimately, in April 2011, it was a HACS employee who found a thumb drive used by Mr Larkins and discovered child pornography on it and reported it to the Police.
51. The subsequent investigation by Police revealed not only that Mr Larkins had in his possession a quantity of child abuse material but also that police were aware of allegations of indecent assaults upon AA and AC which, as I have mentioned, had not been prosecuted. These were revived and added to the charges against Mr Larkins.
52. On 31 July 2012, Mr Larkins pleaded guilty to two counts of aggravated indecent assault, three counts of possessing child abuse material and three counts of dishonesty offences. The child abuse material offences related to images of cartoon characters from the Simpsons involving sexual acts and also images of real children engaged in sexual acts. The dishonesty offences concerned creating a false working with children check clearance, creating a false letter from a purported supervisor and making a false statutory declaration to CCYP about his contact with children.
53. Mr Larkins was sentenced in the Local Court to a s. 9 bond for 3 years for the two counts of indecent assault, 12 months' imprisonment for the

possession of child abuse material with a non-parole period of 9 months and 18 months imprisonment for the dishonesty offences with a non-parole period of 12 months. The overall effective sentence was 22 months imprisonment with a non-parole period of 19 months.

54. Mr Larkins appealed the severity of the sentences for the possession of child abuse material and the dishonesty offences. He did not appeal the bond he received for the two counts of indecent assault. His appeal was heard on 31 January 2013. He was unsuccessful in relation to the dishonesty offences. That sentence remained the same.
55. In relation to the offence concerning child abuse material that showed real children, the appeal Judge referred to the head sentence for that offence as being 'a bit lenient'. However, the Judge set a non-parole period of 5 months and kept the head sentence of 12 months. The effect was to reduce the non-parole period by four months. The sentence imposed for the offences of possessing child abuse material that depicted cartoons was found to be excessive. The Judge quashed the sentence of imprisonment for those offences and instead placed Steven Larkins on a s.9 bond for a period of two years. The result of the appeal was that Mr Larkins' effective non-parole period expires on 30 April 2014.
56. This public hearing will focus on the following aspects of the Royal Commission's Letters Patent
  - The adequacy and appropriateness of the responses by institutions and their officials to reports and information about allegations, incidents or risk of child sexual abuse and related matters in institutional contexts

- Laws, policies, practices and systems that affect the ability of institutions and governments to better protect against and respond to child abuse and related matters in an institutional context
- Informing the Royal Commission's understanding of systemic issues and the recommendations it ultimately wishes to make.

57. The systemic issues which will be considered by the Royal Commission arising from this case study are as follows

- Scouts current policies and procedures
- The current operation of the working with children check
- Reporting obligations to Community Services, CCYP, the Children's Guardian and the Ombudsman
- Information sharing between agencies
- Oversight of non government organisations providing out of home care
- Police procedures
- Sentencing

58. Each of these issues will be the subject of further case studies and/or Issues Papers which will be published by the Royal Commission. Submissions will be invited from the public at a later time about these issues.

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