

## 1 Facing the Truth

*"Let us take things as we find them: let us not attempt to distort them into what they are not... We cannot make facts. All our wishing cannot change them. We must use them."<sup>1</sup>*

In the pages that follow, the Catholic Church in Victoria presents its submission to the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations (**Inquiry**).

The Inquiry is a formal and public process that seeks to deal with an issue that has caused much suffering. The Church welcomes the Inquiry and confirms its full co-operation.

While this Inquiry is a secular forum, sentiments of faith are not out of place. As Catholics, we value truth, freedom, justice and love. We follow one who asked us to always move towards the truth.

Our submission to this Inquiry is an expression of the Church's commitment to facing the truth with humility and unflinching honesty.

As Cardinal Newman said: *"We cannot pretend things are not as they are. We must use the facts to bring forth whatever good is possible."*

Let there be no misunderstanding: the sexual abuse of a child was, is and always will be a crime, and a profound contradiction of all we believe in.

We know that mistakes were made, and we apologise to victims and their families for these failures. The extent of sexual abuse and its terrible consequences first began to be understood by society and the Church in the late 1970s. Since that time, the Church has responded with policies and procedures to guide Dioceses and religious institutes in dealing with incidents of child sexual abuse.

We know that our early response was too slow. However, as our understanding of the dynamics and impact of child sexual abuse has grown, so we have shaped our response. We have learnt from our failures. We are focused on the needs of those who have been abused. We actively encourage victims to go to the police where there may have been criminal conduct. We have taken action to prevent further abuse. We have changed how we deal with offenders and are committed to best practice.

In Victoria, our response has included the *Melbourne Response* and *Towards Healing* processes, which are discussed in detail in this submission. The Church sees these as important priorities, and continues to refine these processes.

Our intention is to strive for healing for victims; to deal promptly and effectively with those who are guilty of abuse; and to prevent further abuse. Our approach, while respecting the privacy of those involved, takes a clear public stance against the sexual abuse of children.

We know from our work with victims that the effect on children and their families has been devastating and lasting. We know that parents feel an intense betrayal of trust that even one child could have been harmed by people called to serve.

We have systems and processes in place to deal appropriately with those accused of abuse. We are firmly committed to the proper administration of justice, and to the prevention of future abuse.

The Church renews its apology to victims and their families, and promises to continue to take decisive action to bring forth healing, and to guard against future harm. We know too that the damage done to the Church brings bewilderment, distress and suffering to the Catholic community at large.

Our prayers are with the victims and their families, and those entrusted with the conduct of this Inquiry.

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<sup>1</sup> Blessed John Henry Cardinal Newman (1801-1890).

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The Catholic Church in Victoria condemns all forms of abuse of children, whether sexual, physical or emotional. Child abuse in the Catholic Church has caused shock and sadness among Catholics and the wider community. It is shameful that this abuse, with its devastating impact on those who were abused and their families, was committed by Catholic priests, religious and Church workers.

The Church is committed to facing up to the truth and not disguising, diminishing or avoiding the actions of those who have betrayed a sacred trust.

Cases of sexual and physical abuse of children involving the clergy, members of religious orders and other members of the Church began to emerge in Australia in the late 1970s. Since then, the Church has worked to offer healing to victims, assist other people who are affected, provide a just and effective response to those who are guilty of abuse, and prevent future abuse.

The Church's response has evolved as our understanding of the extent, nature and terrible consequences of abuse has grown. Dealing effectively with child abuse is a high priority for us, and the Church's cooperation with this Inquiry is part of that commitment.

### **The Catholic Church in Victoria**

The Church in Victoria includes in excess of 1,428,000 Catholics in 336 parishes.<sup>2</sup> The role of the Church and its agencies in the State of Victoria is well known and it contributes in a wide variety of ways across the Victorian community.

The Church in Victoria comprises four geographic regions known as Dioceses. The Archdiocese of Melbourne and the three regional Dioceses of Ballarat, Sale and Sandhurst, geographically cover the State.

Religious institutes known as Orders, Congregations and Societies also operate in Victoria. Some of the areas that religious are working in today include chaplaincy, education (both school and tertiary), parish work, formation, community work, work with refugees and asylum seekers, aged and health care, overseas missions, prison ministries, social services, spiritual direction and retreats, work with indigenous Australians and pastoral care.

### **Responding to child abuse**

The Australian experience about the developing understanding of the extent and the effect of child abuse is similar to that of other countries such as the USA, Canada, the UK, Ireland and New Zealand, in a number of respects.

Notably, the problem of child sexual abuse first became apparent in the context of incest and abuse within families; which led to a growing awareness of sexual abuse by others. While it is now known that offences have occurred over many decades, it is typically only in the last 30 years or less that victims have come forward to report their abuse.

The Church acknowledges that our early response was inadequate and too slow. Like society and many professionals of the time, the Church lacked insight into the issue of child abuse and, as a result:

- Took too long to respond decisively and effectively;
- Was slow to believe victims who alleged abuse by clergy, religious or other Church personnel;
- Was slow to accept that anyone could commit such crimes, let alone a priest or religious;
- Believed offenders that they would not reoffend and could be cured, especially when assured of this by professionals;
- Wrongly believed the denial of predators;
- Underestimated the long-term, often devastating, harm and effect on victims;

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<sup>2</sup> Australian Catholic Bishops Conference, Pastoral Research Office, E-News Bulletin, 3 August 2012.

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- Was slow to place central priority on the care for victims;
- Initially required confidentiality clauses in settlements with some victims;
- Initially favoured a legal over a pastoral response; and
- Operated in an environment where there was a lack of transparency.

Our response has developed alongside our growing understanding of the complexities of abuse. We have been at the forefront of initiatives internationally to provide independent processes for victims of abuse.

The year 1996 was a defining one for the Church in Victoria, with the introduction of the *Melbourne Response*<sup>3</sup> and the approval of *Towards Healing*<sup>4</sup>. These new processes were designed to prevent abuse and respond to abuse when it had occurred. Both processes recognise the need for clear structures and procedures for dealing with complaints of sexual abuse of children, as well as the need for a continuing review of those structures and procedures.

The core elements of both the *Melbourne Response* and *Towards Healing* are:

- Putting the victim first;
- Respect for the police process and encouragement to use it;
- An investigation process that is independent of the Church Authority;
- A pursuit of healing, including an apology to victims and their families;
- Counselling for victims and their families;
- Compensation/reparation; and
- Removal of offenders from all positions where they represent a risk.

The ***Melbourne Response***, when introduced in the Archdiocese of Melbourne in 1996, is understood to have been the first Diocesan protocol of its kind established anywhere in the world. A key element of the *Melbourne Response* is investigation of complaints by an Independent Commissioner, who operates independently of the Archbishop and Archdiocese of Melbourne. Free counselling and treatment is administered through Carelink and compensation is assessed by an independent Compensation Panel. Pastoral support is also available.

***Towards Healing*** was approved in December 1996 and commenced in March 1997. Later that year it was commended by the Wood Royal Commission as providing “a model for other Churches and religious institutions to follow.”<sup>5</sup> It sets out the principles that form the basis of the Church’s response to reports of abuse throughout Australia. The *Towards Healing* procedures apply throughout Victoria except for the Archdiocese of Melbourne.

The *Towards Healing* process has three principal phases: hearing the story, assessing the facts, and addressing the needs of the complainant. Throughout the process, independence is assured by a Director of Professional Standards who ensures the correct process is followed, arranges for a contact person to support the complainant, appoints assessors and, if necessary, makes contact with the police.

An important feature of the *Melbourne Response* and *Towards Healing* is that both processes encourage victims to go to the police, and have safeguards in place to ensure that any investigation by the Church does not interfere with police processes.

In the past 16 years, the complaints of about 620 victims of criminal child abuse have been upheld by the Church in Victoria. Most claims relate to incidents from 30 and up to 80 years ago. The Church has received very few complaints of abuse that has taken place since 1990.

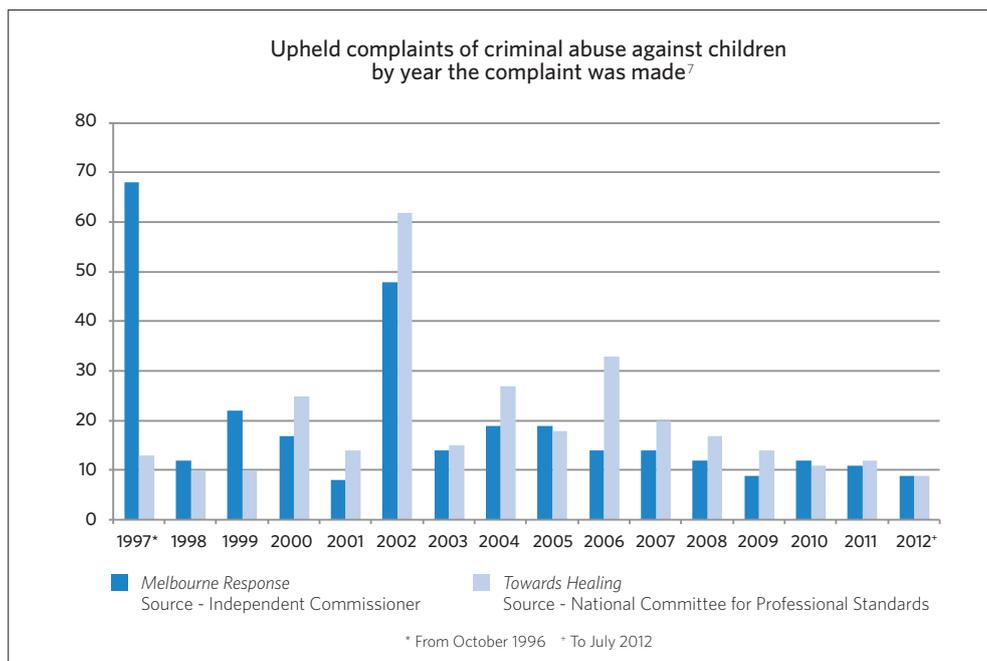
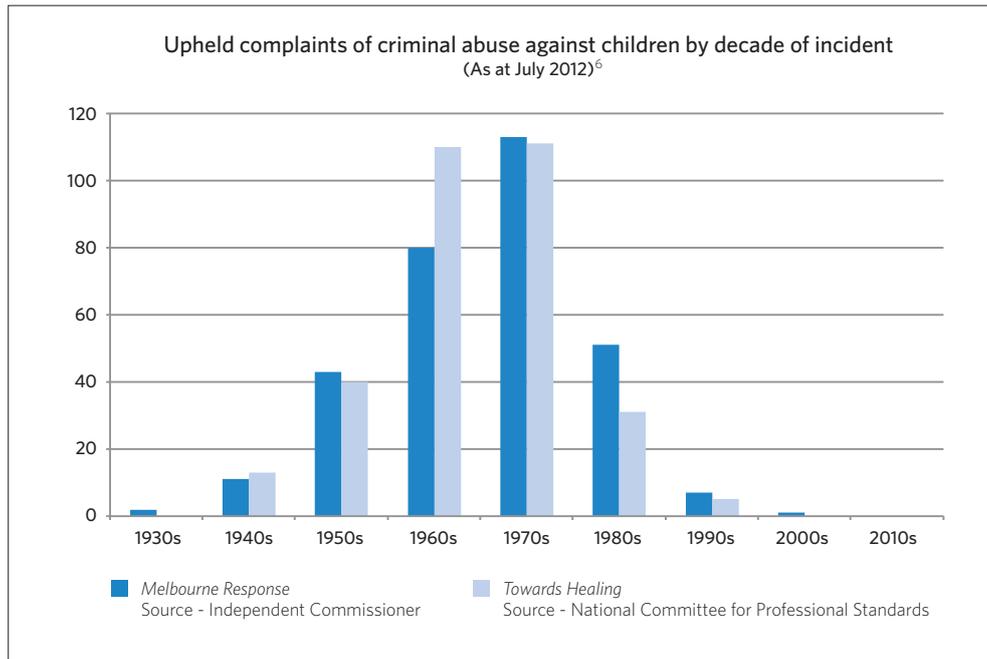
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<sup>3</sup> See Chapter 8.

<sup>4</sup> See Chapter 9.

<sup>5</sup> *Royal Commission into the New South Wales Police Service, Final Report*, Vol V: The Paedophile Inquiry, Aug 1997, p 992

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Many offenders are now deceased or in prison. Of the remainder, the majority are elderly, retired and have no authority to exercise public ministry.

In a statement announcing this Inquiry on 17 April 2012, the Victorian Premier, the Honourable Ted Baillieu MP and the Victorian Attorney-General, the Honourable Robert Clark MP, noted:

*While the investigation and prosecution of individual cases of abuse are matters for the police and the courts, the broader and systemic implications of this abuse need to be investigated to ensure that everything possible is done to protect children.<sup>8</sup>*

<sup>6</sup> See **Appendix 3** for complete table

<sup>7</sup> See **Appendix 4** for complete table

<sup>8</sup> "Statement: Inquiry into handling of child abuse by religious and other organisations", 17 April 2012.

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The Church's submission focuses on the specific issues covered in the Terms of Reference for this Inquiry, the Submission Guide, and the broader and systemic implications of abuse. Accordingly, the Church is not addressing individual cases at this time, but will provide such further responses as are appropriate in the course of the Inquiry.

The Church supports victims being able to make submissions and present their individual experiences to this Inquiry.

The Church is shocked and saddened that a number of victims of sexual abuse have committed suicide. The investigation of this issue is important and the Church believes that a Coronial Inquiry is long overdue. The Church stands ready to cooperate with any investigation.

### **Reporting child abuse**

On the question of mandatory reporting, the Catholic Church in Victoria supports the extension of the current requirements relating to mandatory reporting under the *Children, Youth and Families Act 2005* (Vic) to ministers of religion and other religious personnel, with an exemption for information received during the sacrament of confession.

Regarding reporting to the police, the Church has found that many victims want their experiences to remain private and do not want their complaint reported. A tension exists between respecting the wishes of these victims and the increasing calls for all allegations of abuse to be reported to the police. We expect this will be an important matter for the Inquiry to consider. At its heart, this difficult matter requires a balance to be struck between:

- The rights of a victim;
- The responsibility of society to protect its citizens and punish offenders; and
- The right to the presumption of innocence.

The Church acknowledges that Victoria Police have the primary role and expertise in investigating criminal allegations. We emphasise the need to strike the appropriate balance between the rights of the community to ensure that crimes are prosecuted and the rights of individuals to privacy.

Therefore, the Church would support a position in which all allegations of serious crimes are reported to the police in a way that does not infringe:

- The confidentiality and privacy of victims who have come forward on that basis; or
- The sanctity of the confessional.

This could be achieved by implementing a regime in which details of an allegation (other than those that could identify the complainant) are reported to the police on the basis that the police's powers of compulsion cannot be used to discover the identity of the complainant.

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The Church in Australia, as elsewhere, is continuing to learn about the abuse of children, the impact on victims, how to engage victims and the community in healing, how to deal with offenders, and how to respect the rights of all concerned and act for the common good.

As the Church's understanding grows, so too does our response.