



CATHOLIC ARCHDIOCESE OF MELBOURNE

6 June 2013

The Honourable Georgie Crozier MLC
Chair
Family and Community Development Committee
Parliament House
Spring Street
MELBOURNE VIC 3000

Dear Ms Crozier

Further Information

As you are aware, the Archdiocese of Melbourne has provided extensive information to the Inquiry, has appeared at various public hearings and has granted the Committee and its representatives full access to its records and those of the *Melbourne Response*.

Information was provided to the Inquiry in letters dated 28 September 2012, 23 November 2012, 3 January 2013 and 4 February 2013 in response to queries you raised. The Archdiocese now wishes to provide the following documents and information to the Inquiry to be placed on the public record and published on your website along with this letter:

1. Booklet entitled "*Correcting misconceptions about child abuse and the Catholic Church*";
2. Statistics for criminal child abuse in the Catholic Church in Victoria (to 30 June 2012), collated from the *Melbourne Response*, *Towards Healing* and information submitted to the Victorian Parliamentary Inquiry;
3. Statement compiled in response to a media request, giving details of 59 priests against whom complaints have been upheld in the *Melbourne Response* (to 30 June 2012); and
4. Answer to Question C. i) in the letter of 3 January 2013, setting out the consequences of a complaint, including a detailed explanation of the process of laicisation.

Copies of these documents are **attached**.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Francis Moore".

Francis Moore
Executive Director Administration

Office of the Executive Director Administration

James Goold House, 228 Victoria Parade, East Melbourne VIC 3002 Australia. PO Box 146, East Melbourne VIC 8002 Australia
Telephone: (03) 9926 5677 Facsimile: (03) 9639 2860 Email: francis.moore@cam.org.au
www.cam.org.au

Collated Statistics for Criminal Child Abuse in the Catholic Church in Victoria (to 30 June 2012)

Collated from the *Melbourne Response, Towards Healing*
and information submitted to the Victorian Parliamentary Inquiry

In *Facing the Truth*, the Church reported that the *Melbourne Response* and *Towards Healing* have upheld the complaints of 618 victims of criminal abuse of children that took place in Victoria.

- *Towards Healing* and the *Melbourne Response* are the only processes that hold centralised records, and so their statistics were the only ones readily available for inclusion in *Facing the Truth*
- In preparation for testifying at the Victorian Parliamentary Inquiry, further detailed research has been undertaken into records held by the five Church entities that have appeared in person. These statistics were included by those entities in their submissions or testimony to the Inquiry.
- The statistics below represent a collated tally of information available to the Parliamentary Inquiry, for complaints upheld as at 30 June 2012
- In relation to the five Church entities that have appeared in person at the Inquiry, the statistics include:
 - Complaints that have been upheld through the *Melbourne Response* or *Towards Healing*
 - Complaints that were upheld prior to the introduction of the *Melbourne Response* or *Towards Healing*
 - Complaints that victims have chosen to pursue through civil litigation, including some complaints made to the Hospitaller Order of St John of God, which were accepted without investigation due to the intellectual disability of the complainant
 - Complaints that have been resolved through mediation and negotiation outside *Towards Healing*, because of the involvement of third parties such as the Victorian Government Solicitor
- In relation to other Church entities in Victoria, the statistics include only those complaints that have been upheld through *Towards Healing*.

OFFENDERS	
Diocesan priests	67
Religious priests	31
Seminarians	2
Religious brothers	114
Religious sisters	9
Lay: Male	40
Lay: Female	2
Unknown	4
TOTAL	269

VICTIMS	
<i>Melbourne Response</i>	304
<i>Towards Healing</i>	307
Other	238
TOTAL	849

Details of 59 priests against whom complaints have been upheld in the *Melbourne Response* (to 30 June 2012)

The following priests have criminal convictions or are otherwise publicly known as offenders:

- William Baker
- Anthony Bongiorno
- John Byrne
- Peter Chalk (Missionaries of the Sacred Heart)
- Peter Creede (Vincentian)
- David Daniel
- Bernard Day
- Anthony Eames
- Nazareno Fasciale
- Desmond Gannon
- Michael Glennon
- Jack Gubbels
- Barry Gwillim
- Penn Jones
- Bernie Mackin
- Patrick Maye
- Terry Merivale
- Syd Morey
- Gerard Mulvale (Pallotine)
- John O'Callaghan
- Kevin O'Donnell
- Tom O'Keefe
- Paul Pavlou
- Dominic Phillips (Vincentian)
- Ronald Pickering
- Terrence Pidoto
- Victor Rubeo
- Peter Searson
- Ray Whitehouse

In relation to the remaining individuals:

- Eleven were already dead when allegations were first received, and have only a small number of allegations. Though those who complained about them have received the full support available to victims, the priests concerned did not have an opportunity to respond to the allegations against them, and it is therefore not appropriate to publish their names.
- A number have already been investigated by police, who have up to this time not laid charges to our knowledge.
- The Parliamentary Inquiry has been given access to information about all the priests concerned, and the Police working with the Inquiry have up to this time not laid charges to our knowledge.
- Since the *Melbourne Response* was introduced and *Towards Healing* was published in 1996, the Archdiocese has acted in accord with the national principle enunciated in *Towards Healing*: "Serious offenders ... will not be given back the power they have abused" (para. 27)
- The established time in our community for allegations about an individual to be made public is at the time when Police determine that there is sufficient evidence to lay charges or when the offences are admitted.
- As the *Melbourne Response* has never used confidentiality clauses of any kind, the victims of these individuals remain completely free to speak of their abuse in whatever way they choose, including by naming their abuser.

Extract from letter to Ms Georgie Crozier, Chair, from Archbishop Denis Hart dated 3 January 2013

C. Consequences of complaint

- (i) **Since the commencement of the *Melbourne Response* you indicate 8 members of the Church have been laicised. How many of these were laicised on their own application?**

Of the 8 clergy (7 priests and 1 deacon) who have been laicised since the commencement of the *Melbourne Response*, 5 were enforced laicisations. In one other case, the Archdiocese had commenced the process of enforced laicisation when the priest concerned decided to cooperate in the process and so it was granted on the basis it was a “voluntary” laicisation. In another of the cases the priest commenced proceedings for voluntary laicisation for his own reasons after the Archdiocese had indicated it would start a case. In the other case, the man proceeded to apply for voluntary laicisation before any action had been taken.

There are, however, some important subtleties raised by your question.

At the outset, it must be understood that Canon Law is a body of law that goes back to Roman Law, and just as Australian law uses presumptions of law, procedures and the development of law through case interpretation in the Common Law tradition, so does Canon Law in the Roman Law tradition. As well as statute law, it has supplementary regulations, norms and rules of procedure, as well as development through the praxis of the Roman tribunals and administrative bodies.

If the Committee wishes to explore Canon Law issues, it will need to hear from qualified canon lawyers who can provide expert testimony. The Committee should feel free to request such evidence from us.

The Code of Canon Law (in its English translation) is readily available in bookshops and through popular online stores. Whilst access to the basic law of the Church has been an important development for lay Catholics, the same difficulties and issues arise with both substantive and procedural laws when addressing a tribunal as occur in the civil courts of Australia when lay people attempt to represent themselves in adversarial – and especially in criminal – cases.

The comments that follow are a summary of complex issues.

Canon Law incorporates two streams of process when it comes to the application of penalties: an *administrative* process and a *judicial* process. There are also two ways of proceeding with laicisation: one a voluntary laicisation where the cleric petitions for laicisation and the procedure followed is an administrative one; the other involuntary, where laicisation is imposed as a penalty. In the canonical tradition which stood until recent times, this will only be imposed by a judicial process.

Voluntary laicisation has historically not been processed on the basis of admission of wrong-doing. It has – in general terms – been available under one of two headings: firstly, that grave circumstances were present at the time of ordination

which rendered the candidate's consent to ordination defective (e.g. a psychiatric illness, or undue pressure to be ordained which he could not resist, or antecedent and persistent behaviour which was incompatible with the obligations of priesthood); or secondly, that the priest was of advanced age, had been absent from active ministry for many years and had natural obligations that were incompatible with the priesthood – e.g. he had a wife and children.

Traditionally, voluntary laicisation via the administrative process would not be granted simply because a priest changed his mind and no longer wanted to be a priest. The Church viewed that the vows or promises taken at ordination – like marriage vows - were not to be lightly dispensed with, and only when certain defined circumstances were present.

In theory, imposed (or involuntary) laicisation as a penalty has always been available via a judicial process but in practice was rarely if ever attempted in relation to paedophiles because:

- (1) It generally required a formal trial by canonical judges. As the offender was generally known to the judges (who must be priests), it was difficult to assemble the required panel of judges who would not be open to objection by the defence advocate.
- (2) Like a criminal trial under Australian law, evidence from the victim was required. The victim could be subject to cross-examination under the normal right of defence.
- (3) The tribunal needed to be satisfied not only that the offence occurred, but that it was imputable to the offender: i.e. that he knew what he was doing was an offence, and that he was acting with freedom from compulsion, mental or psychological impairment, or other factors which reduced his freedom and therefore his culpability.
- (4) The canon law limitation period was five years from the offence being committed. This was changed in 2001 to ten years from the time a victim of the crime of paedophilia reached eighteen years of age. In 2002, the Congregation for the Doctrine of the Faith (**CDF**), which now handles these cases, was granted the power to derogate from this limitation on a case-to-case basis upon the request of a bishop. In 2010, the limitation period was increased to twenty years from the age of eighteen of the victim, with the power to derogate remaining as before.
- (5) A judicial trial was subject to appeal.
- (6) While the judicial process was underway there were difficulties in keeping an accused priest out of active ministry.

In short, while a superficial reading of the Code of Canon Law might suggest that imposed, or involuntary, laicisation was available, evidentiary, as well as procedural and practical requirements made imposed laicisation as a penalty so difficult as to be practically unavailable.

In more recent times, there have been a series of important amendments and changes to practice and procedure which made both voluntary and imposed laicisation practically and realistically available by administrative process or a judicial process carried out within the CDF.

The experience of the Church in Victoria has been that the presentation of the criminal court judgment and other verified statements on the public record have been accepted by the CDF as proof, without the need to contact victims directly. This has been an important development.

In the case of imposed (or involuntary) laicisation obtained by the special procedures granted to CDF, the matter is dealt with by a tribunal internal to CDF. Since 2003, CDF can request imposed laicisation by the Pope as an administrative act, against which there is no appeal. In other cases, the CDF tribunal may impose the same penalty, which is subject to appeal to a second tribunal of CDF. These procedures were further clarified in 2010, and the offence of acquisition, possession or distribution of paedophilic pornography was explicitly included as an offence.

Voluntary laicisations are now granted more readily, especially where a priest has been absent from active priesthood for more than five years, or where he lives a life incompatible with the priesthood. A priest who has been convicted of paedophilia and voluntarily signs a petition for laicisation will now be granted that readily on the basis that he could never be engaged in ministry again, or was ordained in circumstances where latent defects were present at the time of ordination.

Facing the Truth

Correcting misconceptions about
child abuse and the Catholic Church

WWW.FACINGTHETRUTH.ORG.AU

MAY 2013

Correcting misconceptions about child abuse and the Catholic Church

The Victorian Parliamentary Inquiry into child abuse has been hearing a range of testimony, much of it harrowing, about appalling abuse that has taken place in earlier decades. However, a number of misunderstandings and misconceptions about the Catholic Church have gained currency. Following are facts and explanations that address some of these misconceptions.

Contents

1. Misconception: <i>Abuse is still happening in the Catholic Church – it’s just that it takes 20 years before victims come forward</i>	3
2. Misconception: <i>The Church has done nothing to prevent abuse</i>	4
3. Misconception: <i>The Church investigates matters in-house</i>	5
4. Misconception: <i>The Church has not cooperated with Victoria Police</i>	6
5. Misconception: <i>The Church has not reported a single case to the police</i>	6
6. Misconception: <i>The Church is more concerned with protecting its reputation than in protecting a child</i>	7
7. Misconception: <i>No one in the Church has been punished</i>	7
8. Misconception: <i>There have been widespread cover-ups</i>	8
9. Misconception: <i>The Church hides behind legal defences</i>	9
10. Misconception: <i>The Church uses confidentiality agreements to silence victims</i>	10
11. Misconception: <i>The Catholic Church is the single organisation that has been most responsible for the crime of paedophilia in Australia</i>	11
12. Misconception: <i>The Church won’t hand over its ‘secret files’ to the Victorian Inquiry or to the Royal Commission</i>	11
13. Misconception: <i>‘Secret files’ have been sent to be hidden at the Vatican</i>	12
14. Misconception: <i>The Church hasn’t listened to victims</i>	12
15. Misconception: <i>Celibacy is a cause of sexual abuse within the Church</i>	13
16. Misconception: <i>The Church cares more about its insurers than it does about victims</i>	13
17. Misconception: <i>Confession helps cover up abusers</i>	14
18. Misconception: <i>The Church hasn’t taken responsibility for abuse</i>	15

1. Misconception: Abuse is still happening in the Catholic Church - it's just that it takes 20 years before victims come forward

When the independent *Melbourne Response* was set up in 1996 there was a surge of victims coming forward, who hadn't done so earlier to the Church or the police or courts. Almost all the abuse reported then had taken place well before the 1990s. Most of the abuse was in the 1960s and 1970s, reducing in the 1980s. This matches the figures in research done overseas, such as that conducted for the Church by the John Jay College of Criminal Justice in the United States.

There have been very few cases reported where the abuse took place after 1990 - some 20 cases compared with more than 620 that took place prior to 1990.

If the claim were correct, we would have expected to see a continuous stream of victims emerging to report their abuse - twenty or so years after it occurred - right up to the present day.

That has not occurred, and is not occurring.

What actually happened is that the frequency and numbers of abuse reports rose and fell over time. The data suggests that the number of cases of abuse rose during the 1960s, peaked in the 70s and fell during the 1980s. There have been very few reports of abuse which has occurred since 1990.

We now know so much more about the nature of paedophiles' manipulation and abuse of children, and we are so much more alert and responsive to the slightest sign of such appalling behaviour, that we are confident we would become aware of such crimes at an early stage if they were still being committed.

Given that the culture and understanding of abuse today is so different, and the Church is much more receptive and sympathetic to reports of abuse, the fact that reports are not being made is itself evidence that offences were not being committed at a high level after the 1980s and, we believe, are not being committed today.

However, we believe there remain an unknown number of incidents of abuse which, even at this time, are unreported and we urge those victims to report to the police or to seek help from the Church.

So while we cannot guarantee that no additional cases remain unreported, or indeed that no such abuse will be committed in future, we can guarantee that the Church is doing everything it can to prevent abuse and protect those who are vulnerable in our community, to remove criminals from active ministry in the Church and to help victims achieve justice.

2. Misconception: *The Church has done nothing to prevent abuse*

When the Church, like society generally, began to become aware of child sexual abuse in the 1980s, it started to take action. At the national level, from 1988 the Church began implementing a variety of measures, culminating in 1996 and 1997 with the establishment of two processes to help victims and to prevent abuse, the *Melbourne Response* and *Towards Healing*.

Priests accused of offending against children are immediately stood aside from active ministry while the case is investigated independently through one of the two processes. Priests and religious found to have offended are excluded from active ministry or laicised, separate to any police or court action that is taken.

In addition, the Church has changed how priests are educated, and there are now better screening processes to prevent potential offenders being accepted into ministry.

Clergy, religious and lay workers are also subject to a range of legislative provisions, policies and codes of practice directed towards the prevention of abuse of children, including Working with Children Checks and national criminal history record checks.

3. Misconception: *The Church investigates matters in-house*

Allegations of sexual and other abuse should be reported to and investigated by the police. When an allegation of criminal conduct has not previously been reported to the police, the Church will not investigate it unless the complainant formally refuses to go to the police, despite the Church's encouragement that they do so.

Such allegations within the Catholic Church in Victoria are dealt with under the *Melbourne Response* for the Archdiocese of Melbourne, and by *Towards Healing* for all other dioceses and Religious Institutes of the Catholic Church in Australia. Both provide for investigation of complaints of abuse to occur independent of the Church.

With the *Melbourne Response*, a senior barrister – one of two Independent Commissioners – conducts the investigation. Like public officials, the Independent Commissioners are paid, in this case by the Archdiocese. This does not undermine their independence and does not prevent them from investigating Church officials.

As senior members of the Victorian Bar, the Independent Commissioners are regulated by the Victorian Bar's Rules of Conduct, which require them to act independently. Further details can be found in the Fact Sheet: What is the role of the Independent Commissioners? at www.facingthetruth.org.au.

With *Towards Healing*, a victim first talks to a Church person so that details can be referred to independent assessors who are skilled in investigation. In Victoria these are usually former police officers, or in some cases psychologists.

The *Towards Healing* process for the investigation of complaints of abuse is independent of the Church authority; no Bishop or Congregation leader investigates complaints made against one of their members. But the offender is still their responsibility.

4. Misconception: *The Church has not cooperated with Victoria Police*

The Church and Victoria Police have cooperated extensively, including the involvement of senior police in developing and revising the terms of reference of the *Melbourne Response*.

The police were consulted on and endorsed the initial terms of reference of the Independent Commissioner in 1996, issuing a media release at the time, and again in 2011 when the terms were modified.

The Church is not aware of any instance when a Church authority has not cooperated with police requests to assist investigations.

5. Misconception: *The Church has not reported a single case to the police*

The Church encourages victims to report to the police, and we would strongly prefer that every victim did so. Indeed, the Church's processes have helped victims report many offenders when they would not otherwise have done so. Our processes do assist those victims who choose to go to the police.

However, the decision to report belongs to the victim. The law in Victoria does not require the reporting of criminal offences to the police. If a victim does not want to report the abuse to police, the Church has no right or obligation to do so.

Victims are almost always adults before they come forward, and the law recognises the right of adults to choose whether to report allegations involving them to the police.

The Church's preference is for the police to handle investigations of all criminal matters. That is their role, and they have powers the Church does not. However, some victims don't want to go to the police, or to a court. They seek help privately. We don't ignore their wishes.

In our submission to the Victorian Parliamentary Inquiry, *Facing the Truth*, we recommend a way of reporting offences to the police that maintains the privacy of those victims who want anonymity.

Criticism of the Church for not reporting allegations, and suggestions that failing to report amounts to "covering up" offences, are misplaced. The criticism should instead be directed at the law. The Church agrees with that criticism and, in *Facing the Truth*, has called for reform.

6. Misconception: *The Church is more concerned with protecting its reputation than in protecting a child*

There is no doubt that in the past the Church did at times favour a legal over a pastoral response, and we were sometimes too concerned with protecting the reputation of the Church and too trusting of offenders. We were slow to believe victims and slow to respond to their needs. However, since 1996 the two Church processes that respond to child abuse – the *Melbourne Response* and *Towards Healing* – both put the victim first. The Church’s submission to the Victorian Parliamentary Inquiry, *Facing the Truth*, extensively documents how the Church now focuses first on the needs of the victim, with explicit priority given to protecting children.

7. Misconception: *No one in the Church has been punished*

Many priests and members of religious congregations have been prosecuted and jailed and laicised.

A key point in the two Church protocols into the handing of allegations of child sexual abuse (the *Melbourne Response* and *Towards Healing*) is the encouragement of victims to report criminal matters to police and other authorities. While the Church cannot insist that this is done, the Church will not proceed with its own protocols unless and until the victim has confirmed that he or she does not wish to report the matter. Where the victim does wish to report the matter, the Church will suspend its own assessment until the criminal investigation is completed, so as not to interfere with it. Consistent with all criminal investigations, the police have the ability to acquire whatever information they believe is appropriate from Church records.

The criminal behaviour appears to be almost entirely associated with the period from the 1960s to 1980s. Since the 1990s there has been a real change, as the Church leadership introduced strict codes of conduct, new responses to abuse – the *Melbourne Response* and *Towards Healing* – and better screening and formation of priests.

If members of the Church hierarchy are shown to have breached the criminal law, then they too should be held to account.

8. Misconception: *There have been widespread cover-ups*

Prior to the 1980s when many instances of abuse first started to come to light, the Church was naïve. Because of the limits in psychological expertise about child abuse that was available at the time, we lacked insight into the profile of abusers and the causes and prevalence of abuse. Therefore our early responses were inadequate and too slow.

While in earlier years some offending clergy and religious institute members may have covered up fellow offenders, it is clear that the vast majority of clergy and religious simply could not believe that a colleague could do such appalling things.

We were slow to believe victims – we tended to believe our colleagues rather than those coming forward.

Some bishops and leaders thought that providing counselling and then moving an offender who had promised to cease offending would stop the abuse and that there would be no re-offending.

These were terrible failures.

Since 1996 the independent processes of the *Melbourne Response* and *Towards Healing* have very greatly reduced the possibility of anyone covering up abuse. Offenders are now publicly identified both within and outside the Church.

9. Misconception: *The Church hides behind legal defences*

While in the past the Church at times put legal considerations ahead of the victim, this is no longer the case. Where the Church is responsible, it accepts that responsibility.

Neither *Towards Healing* nor the *Melbourne Response* are litigious, and neither requires victims to establish that they have a legal claim. Both are centred on the victim.

Under both processes, victims are able to seek compensation without resorting to legal process. This reflects the fact that the vast majority of allegations are historic, relating to abuse which occurred in the decades of the 1960s to 1980s and even earlier.

Of course, neither process prevents legal recourse if that is the victim's preference.

Much has been said and written about the Church's legal structure and its effect on the ability of victims to seek financial compensation. The trust arrangements of the Church were established many decades before allegations of sexual abuse came to the fore and it is wrong to suggest that the Church has structured itself in response to this issue. This trust environment is not specific to the Catholic Church and it facilitates the many and varied needs of the parishes and other entities of the Church.

In our jurisdiction of Victoria, no victim has been denied his or her right to compensation as a result of the Church's structure.

10. Misconception: *The Church uses confidentiality agreements to silence victims*

The Church respects the rights of all victims to speak publicly about their abuse, and does not support the use of confidentiality clauses that prevent victims from doing so. Such agreements have never been used in the *Melbourne Response* and have been prohibited in *Towards Healing* since 2000. In those instances where a confidentiality clause was used, the Church does not seek to enforce these obligations, as Section 9.9 of *Facing the Truth* makes clear, and will not restrict any abuse victim from speaking publicly about their abuse.

Any victim who wants to speak to the Victorian Inquiry or to the Royal Commission can do so without restriction, including disclosing the amount of any reparation or compensation received. There is no need to contact the Church to seek permission, but anyone who has any concerns is welcome to do so and will be provided with direct clarification.

Where victims have reached a settlement with the Church that includes provisions that protect the confidentiality of the amount of the settlement, those clauses do not prevent victims from speaking to anyone about the nature or detail of the abuse that they suffered or the Church processes they engaged in.

It is wrong to suggest that the compensation paid by the Church through *Towards Healing* or the *Melbourne Response* in any way restricts victims from speaking to anyone. As *Facing the Truth* makes clear, such claims are simply untrue.

11. Misconception: *The Catholic Church is the single organisation that has been most responsible for the crime of paedophilia in Australia*

Research shows that child abuse is a society-wide problem, with the highest incidence taking place in the extended family.

Sadly, and shamefully, there is no doubt that there were specific decades and geographic areas where such abuse was particularly pronounced in the Church, with small groups of offenders covering up for each other.

No organisation has undertaken a study of itself in the manner of the Catholic Church in the Nature and Scope and Causes and Context studies undertaken in the United States by the John Jay College of Criminal Justice. Moreover most literature is theoretical in nature, and the studies that are available tend to be small in scope. As such, it is impossible to accurately compare the rate of sexual abuse within the Catholic Church to rates of abuse in other organisations.

However, the Church accepts that its history of sexual abuse of children is horrific and it deeply regrets the harm this has caused to victims and their families.

12. Misconception: *The Church won't hand over its 'secret files' to the Victorian Inquiry or to the Royal Commission*

The Church is cooperating fully with the Victorian Parliamentary Inquiry, and is making available any documents it seeks. The Church has met with the Victorian Inquiry to work out the best way to do this, including ensuring that victims' personal details are treated with respect and kept confidential. Similarly, we will make documents available to the Royal Commission.

The Church is confident these documents will reassure the Inquiry and the Royal Commission that over the last 20 years the Church has changed its procedures, and it now puts the victim first. They also show the range of support given to people who come to the Church for help.

The documents will confirm that the Church is facing up to the truth and not disguising, diminishing or denying the actions of those who have betrayed a sacred trust.

13. Misconception: *'Secret files' have been sent to be hidden at the Vatican*

The allegation that 'secret files' documenting child sexual abuse have been sent to the Vatican, so they can be hidden from Australian authorities, is not true.

Documents and information are routinely sent to and from the Vatican by Church organisations as a part of regular administrative arrangements.

Any files sought by the Victorian Parliamentary Inquiry relating to child sexual abuse have been made available, as they have to police requests, and as they will be to the upcoming Royal Commission.

14. Misconception: *The Church hasn't listened to victims*

We have listened to hundreds of victims — and we provide support for them.

Our two processes, the *Melbourne Response* and *Towards Healing* — were designed as a pastoral, non-legal response to help those who had been abused and do not wish to have the matter investigated by the police. They were introduced in 1996 and 1997 respectively as part of the Church's coming to terms with and rethinking its approach to responding to child sexual abuse.

They are both independent processes for investigating complaints of abuse, and their introduction opened up a new option for victims to be heard and to seek healing.

The interests of the victim come first, and we provide a range of support including counselling and reparation.

15. Misconception: *Celibacy is a cause of sexual abuse within the Church*

There are an enormous number of clergy and Religious Institute members who are contentedly celibate and living very full and healthy lives that make a valuable contribution to the community. We know of no research that suggests the rate of abuse among Catholic celibate clergy is any different from the rest of the population.

Research in the United States by the John Jay College of Criminal Justice found that features and characteristics of the Catholic Church, such as an exclusively male priesthood and the commitment to celibate chastity, were constant during the increase, peak, and decrease in abuse incidents from the 1950s to 1990, and thus were not causes of the increased abuse.

16. Misconception: *The Church cares more about its insurers than it does about victims*

The opposite is the case. Like other organisations, the Church has public liability insurance, which covers both physical and psychological injury. The Church has accepted its responsibilities to victims of sexual abuse, including cases that occurred several decades ago. This is related to the Church taking responsibility for the suffering caused by those working in the Church to victims of abuse.

Moreover, insurance only protects the liability of the relevant diocese or religious congregation. There is no indemnity at all for any offender, for either civil or criminal proceedings.

The Church has continued to support the financial and other needs of victims, even when the Church's principal insurer has decided that its policy doesn't cover a particular case.

In other jurisdictions around the world, the application of the Church's liability is sometimes vigorously defended, leaving victims disadvantaged.

17. Misconception: *Confession helps cover up abusers*

The confessional is a side issue in terms of reporting abusers, for practical reasons aside from the theological importance of the sanctity of the confession.

We must recognise that sexual abuse offenders are secretive and deceptive, and many believe they are not doing wrong.

In the unlikely event that a paedophile confessed to crimes in the confessional, a priest would not simply forgive him. A priest faced with such a confession would require the offender to demonstrate contrition and make amends, including by such things as admitting his crimes outside the confessional, and going to the police.

Additionally, if an offender knew he would be reported, it is even more unlikely he would confess his crimes.

In any case, it is extremely unlikely that a confession of child abuse would contain sufficient information to be useful in a mandatory report. The penitent could choose anonymity, and could confess a sin without disclosing locations, times or even the names of victims.

Accordingly, removing the confidentiality of confession would result in losing an important opportunity for the offender to be encouraged to go to the police or to seek help to cease offending.

If a victim raises the abuse during confession, the priest would assure the victim that they had done nothing wrong, and encourage them to speak out and seek help. The priest could also seek to conclude the confession as quickly as possible, and then begin a new conversation with the victim that was no longer restricted by the confessional seal.

18. Misconception: *The Church hasn't taken responsibility for abuse*

The Catholic Church in Australia believes it was the first Church globally to take nationally-coordinated steps to address the enormous harm of child abuse. While its early protocols in 1988 and 1992 might not have been sufficiently victim focused, *Towards Healing* and the *Melbourne Response* are genuine attempts by the leaders of the Church to address this issue. The application of those protocols demonstrates that, from the mid-1990s, the Church has accepted the responsibility for the abuse perpetrated by members of its dioceses and congregations.

The healing of a victim of sexual abuse is a long and complex process and evidence suggests that in many cases, full healing will never be achieved. Through the processes established by the Church, especially access to counselling, the Church attempts to address the individual needs of each victim.

Facing the Truth, the Church in Victoria's submission to the Victorian Parliamentary Inquiry, documents in detail the history of abuse by priests and religious institute members, together with the steps the Church has taken to combat this evil.

In accepting responsibility, the Church acknowledges the great harm done to victims and the long-term effects on them and their families.

The Archbishop of Melbourne, Denis Hart, was Vicar-General in the Archdiocese of Melbourne when the *Melbourne Response* was set up and, working with the then Archbishop, Cardinal Pell, he was instrumental in helping achieve that.

He is now President of the Australian Catholic Bishops Conference, which nationally has accepted responsibility for the failings of the Church, and to do all it can to prevent abuse and better protect children.

Published on behalf of the Catholic Bishops of Victoria and the Catholic Religious Orders, Congregations and Societies within Victoria

**Catholic
Religious
Victoria**



CATHOLIC ARCHDIOCESE
OF MELBOURNE



Diocese of Sandhurst



WWW.FACINGTHETRUTH.ORG.AU