

SECONDARY VICTIMS SUBMISSION QUESTIONNAIRE

INQUIRY CONFIDENTIALITY OPTIONS – OUR SUMMARY FOR YOU

Brief reason(s) for seeking confidentiality

If confidentiality is required, are you seeking: (please tick or double click and select *checked*)

- Confidentiality for your entire submission? YES NO
- To have your name and personal details withheld? **X YES** NO
However, your materials WILL be included in the government report and on the website at some stage.
- De-identification of your materials? **X YES** NO
Your materials ARE stripped of any identifying information and included in the government report
- Confidentiality for specific parts of your submission? YES NO
If so, put that part(s) on a separate page and make reference to the corresponding question number in our assistance document.
- Confidentiality for your supplementary documents? YES NO
If so, place a note on the top of confidential document(s).

Appearing before a Hearing: (please tick or double click and select *checked*)

- Will you appear before a public Inquiry hearing? YES NO
- Do you want a hearing in camera? YES NO
NO reporting to media and NOT published in parliamentary report
- Do you want your name withheld? **X YES** NO
However, your materials WILL be included in the government report and on the website at some stage.
- Do you want your hearing attendance materials de-identified? **X YES** NO
Your materials ARE stripped of any identifying information and included in the government report

We advise you take a support person to the hearing or arrange a support person from the Inquiry.

****HEARINGS WILL BE HELD ACROSS VICTORIA****

Responding to the
Victorian State Government Inquiry into Handling of Child Abuse by
Religious and Other Non-Government Organisations 2012

SECONDARY VICTIMS SUBMISSION QUESTIONNAIRE

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PERSONAL DETAILS

Title:

Miss

Ms

Mrs

Mr

Dr

Other (Please specify)

First Name

Surname

Phone Number

Address

Suburb

State

Postcode

Country

SECTION U. Recommendations for improvement

1. What actions could the Church or organisation now take, or what new systems or rules could it put in place, to ensure it deals fairly, compassionately and effectively with complaints of child abuse by its personnel?

Transparency.
Informing the complainant / victim and their family of the organisations / Church policy and procedures so they know what to expect, their rights and responsibilities, the organisations rights and responsibilities, and the expected course of action.
Always take a child's disclosure seriously.
Always take any suspicions of abuse seriously.
An immediate investigation – during this process the victim should be ensured safety. The offender in question should be removed from their place of work / volunteering whilst an investigation occurs. "Stepping down" from duties until the investigation has been completed.
Counselling and support options should be made available to all parties.
Stricter recruitment and induction / training programs. Child Abuse is **not tolerated ANYWHERE** nor by **ANYONE** should be the message taught. Clear information about legal obligations and consequences. There should be a widespread education of zero tolerance to child abuse – as is relevant to this inquiry, namely religious and non-government organisations.
Tougher consequences need to be in place and made known to those studying / training /applying for work or voluntary work in the Church or Non-government organisation.
The whole community need to be educated that child abuse is against the law.
Education of the whole community in ways they can report suspicions of child abuse, the indicators to be aware of, how to approach a suspected victim and authorities. The community need to know the steps that occur after reporting suspicions / disclosure. We need to build community confidence in the authorities responding to reports of child abuse and receive evidence that these allegations are being taken seriously and being appropriately addressed.

Religious and non-government organisations should make it clear that they encourage victims of child abuse (or their kin) to report such criminal behaviour immediately.

From my families experience of child abuse – there has been clearly institutional abuse of children. When numerous suspicions of child abuse by religious personnel had been disclosed, evidence has shown that suspected offenders were allowed to continue practicing around children and often just moved to another locality. This is what happened with the offender in their case.

This institutional abuse needs to be stopped dead in its tracks. Therefore intervention into the practices and policies within religious organisations needs happen. Otherwise the government is really dismissing their legislation – Child, Youth and Family Act 2005. (Victoria)

2. Why was it you decided not to take civil action against the religious or other Government agency?

SECTION V. What actions could the Church or organisation now take, or what new systems or rules could it put in place, to prevent child abuse by its personnel in future? (Please indicate)

3. Statute of Limitations

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4. The organisation not being a legal entity

I find this hard to understand. Does this mean religious organisations sit outside the law of the country? How could this be allowed?

5. The organisations assets not being protected by property trusts

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6. Personnel not being considered employees

Whether personnel are paid or unpaid is irrelevant in terms of how laws relate to them. Child abuse is illegal in all cases and needs to be treated as such. The accused being held accountable for their actions, and the organisation that they represent bearing this accountability also as they have responsibility of supervision of their personnel. Volunteers are still the responsibility of the organisation they represent. Adequate screening processes should be enforced, incorporating the requirement of WWCC to personnel in religious and non-government organisations working with children under the age 18 years. The organisation is liable for their criminal actions if occurring whilst they are undertaking voluntary work or paid work as employees.

7. The accused not having any assets due to a vow of poverty

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8. Fear of consequences from the organisations hierarchy/other members of the organisation

<p>Policies and procedures should be made clear for handling child abuse by their personnel. They should align with civil law. These policies and procedures are to transparent and made known to all in the organisation. Reporting procedures should be clear and enforced. There should be accountability for criminal behaviour such as child abuse. Every person within the church or non-government organisation should be made aware of these expectations and procedures. Therefore consequences are understood and communicated at the same time. Maybe a formal contractual arrangement could be implemented whereby personnel sign agreement that they abide by policy and procedure around child abuse. If personnel abuse a child there will be standardised consequences and set procedures will automatically be entered into.</p> <p>There should be a fear of consequences – to act as a deterrent from such illegal activity. I believe the fear of the organisations hierarchy would not be the same if there were consistent and standardised reporting and procedures for action regardless of religious or non-government organisational status. It is unlawful action and needs to be treated as such and consequences should be the same for any offender.</p> <p>No one should stand outside the laws in this country. They apply to every person!</p>

9. All of the above.

Changes required to law/policies/practices/protocols

SECTION W. Do you think any of the following would improve the religious or other non government organisations complaints process is helpful in relation to law/practices/policies/protocols? (Please indicate)

10. Religious and other organisations should be mandatory reporters as per current obligations for those working in schools and teachers

Definitely should be gazetted as mandatory reporters.

Also religious personnel that have dealings with children under 18years of age should be subject to Working with Children Checks. WWCC should apply across professions dealing with children.

‘Keeping the silence’ has gone on for far too long particularly in religious organisations. This silence has occurred between the offender and the child being abused, between the child and their family, and then across the layers of hierarchy. We cannot allow any organisations to sit outside the law. This potentially allows them to hide criminal activity. It perpetuates the abuse. It will not protect our children!

11. Organisations should provide realistic and ongoing frameworks education and training to ensure adequate equitable relationships are fostered to negotiate appropriate boundaries in relation to children and vulnerable adults

Absolutely – clear and transparent policies and procedures. Professional development to ensure all staff (volunteer or paid) understand their obligations, responsibilities and appropriate boundaries. Education about children’s rights and the new legislation (Child, Youth and Family Act 2005) should be compulsory in all TAFE / Further Education training. In particular in the training and education of religious personnel.

This education should also be targeting children – educating them around safe behaviour and examples of adult behaviour that is not acceptable. Also some of the principles of the old Protective Behaviours program could be implemented. If children feel unsafe or that someone around them has behaved inappropriately to them, they need to know who they can talk to about it. Maybe CASA?

12. Reporting of any suspected illegal behaviour or crime should be facilitated first and foremost through police

Well we could follow Victorian child protection processes and report suspicions of child abuse (such criminal activity) to Department of Human Services, a Child First agency or the police. Organisational policy should include formal reporting internally also – Supervisor / Manager / Director / Higher Authorities in the religious order. Other illegal and criminal behaviour should be reported directly to the Police.

I think it would be useful to have specialised police liaison officers dedicated to working with religious organisations on cases of criminal abuse (they have additional specialised training) much like we have Youth liaison officers etc.

13. Ongoing primary prevention programs being implemented across the organisation in accordance with best practice recommendations from government.

Definitely. Do you mean awareness raising campaigns & programs / training on mandatory reporting / legal professional development / how to identify signs and indicators of risk???

These programs may need to be made **mandatory** in all organisations much like Occupational Health and Safety.

Pitch these programs to the various stakeholders – children, parents and families, religious personnel, employees in non-government organisations...

14. Appropriate supervision of suspects and offenders with no access to complainants or those who could be construed as vulnerable children or adults.

The supervision of suspects and offenders is to be handled with the utmost sensitivity towards the victim's rights and needs. I think further research on the benefits of restorative justice programs needs to be undertaken so that a range of options can be provided to victims and their families

15. The organisations response should be locally based and have a public profile such that they are approachable to the public and professionals.

My concerns here are – a degree of public scrutiny can ensure accountability and transparency. However for the victim and their family / kin – public profiling can have a further traumatic impact – adding to the cumulative harm already being experienced.

The problem that has been occurring is that offenders were not stood down as such, but were allowed to continue practising / working and therefore placed new children at risk of abuse. These processes are completely unacceptable. An employee / volunteer should be removed from their workplace until the case has been handled by professionals and the law. Therefore maybe the response needs to be at the local base as well as reported within the hierarchy, but access publicly happens at the higher authority level to protect the specific victim and families.

16. The organisation should include complainant representatives to ensure that their services appropriately target the needs of the complainants.

Definitely – there should be consultative processes. Complainant representatives could be family or advocates / professionals acting on the victim and family's behalf. And at all stages where appropriate the complainants are involved and have a say in decisions affecting them.

17. Feedback and regular review should be imbedded in the process to ensure complaints and service deliver is at an appropriate high level.

Definitely – to include training, recruitment, induction and professional development; policies and procedures, reporting processes, responses and assistance provided. This should be done by independent external bodies.

18. Recognition that spiritual damage as a critical element in the harm caused.

Absolutely. In our case the child abuse experienced within religious organisation has significantly harmed each member and extended family's spiritually. It has severed ties with the 'Church', caused isolation from their church communities and networks. It has rocked to the core of their very being – their sense of trust and moral right and wrong as well as challenged their spiritual beliefs. We are talking across 4 generations now – 4 generations that are impacted by this abuse. And this abuse will continue to sever our connections to the religious organisation until more humane and just practices are put into place. I hope that it will give us a sense of renewed hope that religious personnel and their organisational hierarchy will be made accountable for criminal behaviour. That their criminal actions sit within the law of the state and are dealt with accordingly.

Not until this happens will we really start making a dent in this institutional abuse upon our children.

19. Recognition and practical response and support to family members of the complainant –the secondary victims

Definitely – see below suggestions (31).

My family failed to receive much support (particularly consistent support & recognition) from some sections of the religious organisation and its hierarchy. The immobilising disbelief effect that seems to come when child abuse occurs is powerful and all too pervasive. This needs to change! Not wanting to face the horrid truth that religious personnel are offenders – from the child's perspective and from the parents, extended family, religious personnel, parish community, the wider community. The very personnel we are instructed from such a young age to believe are representatives of divinity, sacred and trustworthy, who offer unconditional positive regard to us all.

Then as parents we entrust these personnel with our children and to have their best interests at hand. To then find out this trust has been broken. Our children whom we hold the greatest sense of responsibility for, have been abused by those we were taught to believe would care for our children. These actions abuse our children and they also abuse us and our relationship with our faith, our spirituality.

It is never easy talking about our direct experience of child abuse and the irreparable damage that has occurred from it. Lives that have been damaged forever. Lost opportunities of a normal life. Heartache after heartache. Severed religious ties. Damaged faith and spiritual beliefs. An incredible sense of powerlessness. Never receiving an apology, a recognition of the pain and trauma that our family continue to experience as do others in our community. Living with the experience of feeling like the wrong doers for wanting justice within the religious organisation, for wanting stronger accountability and clearer reporting processes and sanctions for protecting children now and in the future.

It is not a comfortable discussion with others who have not been affected by child abuse. It is not comfortable for listeners. They don't know how to respond beyond 'that is awful and wrong'. And even harder when you speak with people that follow the same religious faith. I think it challenges their very faith and they don't want to have to do this.

It is insipid!

Practical responses and support definitely needs to be available for secondary victims.

20. The relationship between Canon Law and civil and criminal law should be transparent and Canon Law should be subject to the law of the state

Most definitely! Canon law should be subject to the law of the State. As I have previously stated NO-ONE should stand outside of the law in this country. Otherwise the law is a fast and goes against our constitution. Australia prides itself on fairness and equal opportunity.

21. Psychiatric or Psychological testing of all current church personnel including those currently in training for religious life.

I think this could be discriminatory. Do we seek such testing of other personnel working with children? However, if religious organisations continue to be treated separate to the law and continue to permit child abuse, we would then need severe strategies like this one to enable child safety. If we cannot rely on organisations working in the best interests of the child, the State then needs to enforce certain practices to ensure they do protect children.

22. Appropriate and independent access to psychological counselling and treatment available to religious.

I think this means to religious personnel. I think this option should be available as well as internal support / counselling and pastoral care. Independent is important to ensure accountability of treatment and appropriate change behaviour before being allowed to practice again.

23. Funding for victims to seek holistic casework approach. (spiritual/medical/legal/psychological)

Yes – an excellent strategy. Extend this to their families (secondary victims) as well.

24. An acknowledgement that the required pastoral care in this field is specialised and should be provided to victims by appropriately qualified professionals at no cost to complainants.

Yes – totally agree!

25. Would any of the following changes to the law improve access to justice for victims? (Please indicate)

26. Statute of Limitations - amended to allow historical abuse claims

Greater than this is an acknowledgement to wrong doings. Wrong doing from the actual offenders but also from the layers of hierarchy that have covered up or protected the offenders. A recognition and acknowledgement of this inaction or inappropriate action. Many who have experienced child abuse are motivated toward changing bad practice and ensuring safety for children from NOW ON! Therefore to see CHANGE IMPLEMENTED that protects the victims and makes the offenders accountable for their action and whom are dealt with in the same way as any other child abuser in the community. The inaction or inappropriate action taken by authorities have added trauma to victims and their families and friends by their unjust actions. No personnel or organisation (religious or non-government) should be 'above' the law. Unlawful action should be dealt with in a lawful way.

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27. Amend the corporations law so that the authority is legally a corporation and capable of being sued over time

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28. Amend property trust legislation in each state to prevent the church authority from protecting its assets from civil suits

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29. Amend the law on vicarious liability so that priests and religious are treated as employees and therefore church authorities can be held responsible for breaches committed by church personnel

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If this is the only way to make offenders and the organisations they volunteer or undertake paid work for, accountable for their action – I would say yes!

30. All of the above

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31. Other legal changes or reforms (Please provide)

Restorative justice opportunities.
Counselling for families who have experienced child abuse.
Opportunities for these families to come together and be mutually supported would be beneficial.
Opportunities for the religious organisation (personnel & their community) to be able to offer support to victims and their family / friends is paramount. Unfortunately in the past because they have been covered up as the religious organisation has kept things 'confidential' to protect themselves or their personnel has meant that victims and their families have been isolated / cast apart from their community. Not believed. Left to deal in isolation with their pain, anguish, spiritual abandonment, loss and grief. This has added more harm and shame. This has to change.
This is what could be offered to those that have experienced past abuse. All those with past abuse claims. Support/ guidance / mediation / counselling / assistance with grief and spiritual harm – all these things need to be acknowledged and services need to be introduced to meet the needs as a consequence of the past abuse.