



## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

13 November 2013

### **Child abuse Inquiry E&OE - Committee Members' Final report tabling speeches**

**Ms Georgie CROZIER**

President, it is a great honour to rise and speak to the report of the inquiry into the handling of child abuse by religious and other non-government organisations undertaken by the Family and Community Development Committee. This has been a significant and historic inquiry for the state of Victoria, and I am proud to table our final report on behalf of the committee. We have called our report Betrayal of Trust—the reasons are clear. Children were betrayed by trusted figures in organisations of high standing and suffered unimaginable harm. Parents of these children experienced a betrayal beyond comprehension, and the community was betrayed by the failure of organisations to protect children in their care.

This report was made possible by the hundreds of personal accounts that victims courageously shared with us during the inquiry, many for the very first time. I thank them for their determination and the significant contributions they made to our inquiry. I also thank the families of victims, some of whom spoke on behalf of those who could not. To the many other participants who provided us with invaluable insights, thank you.

We received a large volume of evidence: 578 submissions were provided, and we held 162 hearing sessions, including 56 private hearings. I would like to acknowledge the cooperation by organisations throughout the inquiry in providing evidence, assisting with additional information we requested and enabling us to access relevant files. In addition to the evidence from victims, we heard from experts and those with valuable knowledge on protecting children, from communities in regional Victoria and from non-government organisations themselves.

We held hearings in Melbourne, Bendigo, Geelong and Ballarat, and the committee recognises that there are communities in many other parts of Victoria that have also been affected. Through written submissions and hearings we also sought access to documents and files from organisations. In total the committee scrutinised 604 complaints files to assist in understanding the management of complaints.

From the evidence we heard, the devastating effects of the crime of child abuse were clearly evident, in many instances with life-altering implications. The criminal abuse of children is a fundamental breach of the values of our community. It involves unlawful physical assaults, sexual abuse offences and the criminal neglect of children. Children cannot be expected to protect themselves from crimes

such as these within organisations, and it is up to us as a community to take greater responsibility in safeguarding their wellbeing.

In our evidence we heard that children were subjected to a pattern of criminal behaviour, parents were groomed to enable access to their children, reports of

criminal abuse were not acted upon by organisations, and organisations covered up their wrongdoings to protect their reputations and finances. It was important that we could review all the evidence we heard and received and that our final conclusions were soundly based.

The committee was extremely mindful of the complex nature of information given to the inquiry: allegations, disclosures and the sensitivities for victims reliving their experiences. To assist victims throughout the inquiry process we engaged the Victims Support Agency to provide multiple levels of support at varying stages of their participation. It was never our role to investigate individual cases, and we were instructed by our terms of reference not to impinge on the responsibility of the police or courts.

At the outset we worked to establish a parallel process for any allegations that may have arisen from any historical or new cases that could then be responded to properly. The SANO task force was established by Victoria Police to investigate any claims or allegations, and during its inquiry the committee referred 135 cases to the task force.

We have endeavoured to be open, transparent and balanced in conducting our inquiry. To ensure natural justice and to prevent us impinging on the responsibilities of investigatory agencies we have needed to redact content before publishing it on our website and also ensure that people were given the opportunity to submit a right of reply if they felt they needed to. In total we received 30 rights of reply at the time we adopted our report.

Our recommendations are intended to provide an umbrella of protections from the consequences of the heinous crime of child abuse that people in positions of authority have facilitated either through their actions or their inaction. While we acknowledge we cannot repair the irreparable damage that has beset so many, our recommendations are designed to create an easier path for victims in their pursuit of justice.

In essence our recommendations cover five key areas. Firstly, in reforming the criminal law we propose amendments and new laws to: make it an offence to fail to report to police or to conceal knowledge of suspected criminal abuse of children; make it a criminal offence for people in authority to knowingly put a child at risk; and make it a separate offence to groom a child, their parents or others.

Secondly, to create easier access to civil litigation we propose legislative amendments to exclude criminal child abuse from the current statute of limitations, recognising that it can take decades for victims to come forward about their abuse, and to ensure that organisations are held accountable for their legal duty to protect children from criminal abuse and that they can be held vicariously liable for the actions of people who act on behalf of the organisation. We have also addressed the legal entity of non-government organisations. Any organisation that receives government funding or tax exemptions from government should be incorporated and insured.

Thirdly, we propose the establishment of an independent, alternative avenue of justice for those people who want to make a claim but cannot or do not want to take civil proceedings. It is intended that this will be a truly independent government-managed system that is paid for by non-government organisations.

Fourthly, we recommend greater monitoring and scrutiny of organisations through independent oversight and by giving greater attention to developing the skills and knowledge of people in organisations to appropriately handle allegations.

Finally, we make recommendations to further enhance prevention systems and processes, including strengthening the working-with-children check system and working towards organisational environments that are safe from criminal abuse.

As chair of the Family and Community Development Committee, it has been an enormous privilege and honour to have worked on an inquiry of such significance. It is an important reminder that our Parliament is privileged to hold special powers and has the capacity to conduct such an inquiry which has exposed many issues that may otherwise never have been revealed.

I pay tribute to the former Premier, Ted Baillieu, and the government for having the courage to launch an inquiry of such great importance. At that time no other government within Australia was prepared to take on issues as confronting as those about which we have read and heard. It was only after the establishment of this inquiry that New South Wales established an inquiry in that state and the former federal government announced the royal commission.

This inquiry has been a collaborative effort by many, all of whom felt the responsibility of the task they had been given and all of whom have supported the committee throughout the course of the inquiry.

In conclusion, I thank the Parliament and those people who have assisted with the inquiry. To the dedicated secretariat, whose members have worked so diligently and with compassion, and who together with the staff of Hansard have had the unenviable task of recording a litany of personal trauma and obnoxious criminal behaviour; to Dr Janine Bush, who together with her team has done an extraordinary job in assisting the committee and getting this report to the Parliament today; to the expert advisers, MrMal Hyde and Ms Claire Quin, who have given tremendous guidance; and to the Honourable Frank Vincent, I thank you for your wise counsel, which has been instrumental in so many ways. And finally, to my committee members, who have all worked with dedication and demonstrated such commitment to enable the tabling of this report today, I especially thank Mrs Coote and Mr O'Brien in this house, and in the Assembly the deputy chair and member for Broadmeadows, MrMcGuire, the member for Ferntree Gully, MrWakeling, and the member for Thomastown, Ms Halfpenny.

President, I believe our inquiry marks the beginning. We have not only listened but we have heard. This is our report. I trust it gives the community an opportunity to set a new benchmark for the future protection of Victoria's children. I commend the report to the house.

**Mrs Andrea COOTE**

In the words of Justice Marks of the Supreme Court of Victoria:

A society which fails to protect its children from sexual abuse by adults, particularly those entrusted with their care, is degenerate.

It is within this framework that the Family and Community Development Committee of this Parliament presents its report, *Betrayal of Trust*. Sexual offences against children are by no means a recent phenomenon, nor have these crimes occurred only or mainly within the institutions that are now the subject of increased scrutiny. The sad reality is that such assaults have been committed throughout human history within virtually every kind of family and other setting that gives perpetrators access to children.

This report may appear to emphasise offences that occurred in the Catholic Church and the homes and orphanages operated by the Salvation Army. This is an inevitable product of the volume and content of the submissions the committee received. In regard to the Catholic Church, specifically the committee found that rather than being instrumental in exposing the criminal abuses within the organisation, it minimised and trivialised the problem; it contributed to abuse not being disclosed or not being responded to at all prior to 1990; it ensured that the Victorian community remained uninformed of the abuse; and it ensured that perpetrators were not held accountable, with the tragic result that some children continued to be abused by some religious personnel when it could have been avoided.

We found that today's church leaders, with the notable exception of Father Kevin Dillon, view the current question of abuse of children as a short-term embarrassment which should be handled as quickly as possible to cause the least damage to the church's standing. They do not see the problems as raising questions about the church's own culture. The betrayal of trust perpetrated at a number of levels of the church hierarchy is also so completely contrasted to the stated values of their religion that many parishioners found the betrayal almost impossible to acknowledge.

A sliding morality has developed within the Catholic Church which emphasises the interests of the perpetrator and the church. The Catholic Church appears to have compartmentalised the issues in order to avoid the obvious moral conflicts. This is apparent within the Catholic Church's evidence, presented to the committee. It shows that even today church leaders are reluctant to fully acknowledge that they adopted policies that gave first priority to protecting the interests of the church. The Catholic Church's submission 'Facing the Truth' barely mentions past church policies and is expressed mainly in the present tense.

Over recent times, and notably since the establishment of this inquiry and the royal commission, religious leaders have been at pains to emphasise their bona fides in this area and their desire to support victims and assist them to achieve justice. This can be easily tested and will be quickly evident.

Whether they are prepared to continue to rely on the legalistic approaches adopted to date or whether they are simply engaged in damage control, hoping the issues will soon fade from public consciousness, will constitute a powerful indicator of the genuineness of their remorse. This must not be permitted to happen.

The notion of justice cannot be confined to the past or the present but must have regard to the rights of children in the future. The recommendations of the committee are directed to achieving these objectives as far as possible. The community must be confident that whatever dangers await children in the external world, the church, synagogue, mosque, temple and school are places they can grow and learn in safety.

We saw firsthand that abuse has ruined the childhoods of Victorian victims and has been an ever present part of their adult lives. Collectively as a society we have failed these children by allowing them to be incarcerated in places and exposed to people who did not cherish them. This betrayal must cease.

**Mr David O'BRIEN**

I rise to make my contribution to the debate on the report of the Family and Community Development Committee on institutional child abuse, appropriately entitled Betrayal of Trust. I join my colleagues in commending all who were involved in this inquiry and in particular the many victims who made submissions or appeared before the committee for their strength, courage and determination. It is their wellbeing and their stories of their pain and their often unsuccessful search for justice and vindication that have remained the focus of the committee's deliberations. I also commend a number of persons who have provided me with the faith, support and guidance to participate in this inquiry.

First and foremost, I commend the chair, Georgie Crozier, who balanced the need to be caring and respectful while also being insightful, efficient and at times forthright. Most importantly, she managed to conduct this inquiry in a way that was fair and balanced for all participants. I must also acknowledge the deputy chair, Frank McGuire, the member for Broadmeadows in the Assembly, and the other committee members for engaging in that work in a non-partisan manner. I am grateful for the assistance of the committee's advisers, in particular the Honourable Frank Vincent, Clare Quinn, Dr Janine Bush, Amanda Kennedy, Mal Hyde and Ian Dossier. Time does not permit me to mention the many other supporters, but I endorse the remarks of my colleagues that it was indeed a group effort. I wish to express my personal thanks to my family, former Premier Ted Baillieu and Deputy Premier Peter Ryan for having the courage to initiate this important inquiry and for appointing me to the committee.

The rape of children and other criminal child abuse are gross betrayals of trust whenever they occur; however, when they are conducted by members of trusted organisations that then cover up those crimes and in their denials and cover-ups facilitate further child abuse on unsuspecting communities, children and families, it is an abomination. That much of this abuse was carried out by paedophile clergy in the Catholic Church and personnel in the Salvation Army is a terrible indictment of those organisations, in which much community trust was placed. Up to 25 per cent of the Victorian population identifies, or once identified, as Catholic. Of course there are many committed Catholics and many good priests, such as Father Kevin Dillon of Geelong, who provided much support to many victims over many years. Father Dillon's concluding testimony in Geelong sums up the feelings of many victims who are former Catholics or who attempt to remain devoted. Father Dillon concluded:

I certainly do not want to be interpreted as bucketing on the church. I love my church, I love what it represents and I love all the enormous amount of good and solace and comfort that it provides, but I do believe in this most critical area of its responsibility as well as its ministry that it has failed very badly. I just hope that perhaps in some small part my offering might go some way towards a much better treatment for victims along the way.

A glimpse of the extent of the abuse can be gained by simply listing the towns in the Ballarat diocese of the Catholic Church where reported abuse took place. The Ballarat diocese corresponds with much of Western Victoria Region, which I represent together with some of my parliamentary colleagues, many of whom took the time to attend hearings in Ballarat and Geelong.

I have compiled this list as a testament to all the victims, who in many cases include not only the children who are now adults themselves but also their families and often tight-knit and small communities. Secondly, this list refutes any suggestion that this abuse was not systemic or endemic, at least in the Ballarat diocese, without for the moment adding the systemic abuse that occurred in Melbourne, other parts of regional Victoria and indeed interstate and internationally.

In alphabetical order, based on Broken Rites research and the evidence presented to the committee, towns in the Ballarat diocese or the western region affected by Catholic clergy child abuse include Apollo Bay, Ararat, Ballarat, Bannockburn, Camperdown, Colac, Edenhope, Geelong, Inglewood, Hamilton, Horsham, Kyneton, Maryborough, Mildura, Mortlake, Ouyen, Penshurst, Portland, Port Fairy, Sea Lake, Swan Hill, Tatyoon, Terang, Warrnambool, Wendouree, Werribee and Winchelsea.

I should add that many of these towns contained numerous victims and numerous offenders, sometimes offending during the same or over successive time periods. Several more prolific offenders offended in a number of these towns after having been moved on, when a proper intervention would have prevented further abuse of innocent communities and innocent victims, many of whom remain nameless. Nevertheless, one can see by this raw list of towns and communities that these crimes affected the whole Victorian community, and for that the church stands condemned. Having facilitated rape and child abuse across much of western Victoria, it is appropriate that the church hierarchy stands condemned for its actions and inactions at the highest levels in Victoria over many years.

It is also appropriate that this inquiry was conducted by a tripartisan joint house committee of the Victorian Parliament and that this report now be considered by the Parliament as whole. Whilst this report represents the culmination of this committee's work, the task for victims and their families will go on. The more serious task remains for the offending religious and secular organisations to genuinely commit to working with the government and the Parliament to implement the committee's recommendations, embracing the cultural change sought by so many submitters, providing genuine reparation for all victims and seeking to ensure that the systemic child abuse that betrayed so much trust can never occur again.

## Mr Frank McGUIRE

My contribution concerns the report of the inquiry into the handling of child abuse by religious and other non-government organisations, which I tabled only hours ago as deputy chairman of the Family and Community Development Committee. Betrayal of Trust reveals the cover-ups that killed. The investigation was into crime, not faith, but like the journey in Dante's *Inferno*, the deeper the descent the more horrific the suffering.

Many share the blame. Perpetrators claiming to represent God committed the foulest crimes against children—formerly hanging offences—while religious denominations practised wilful blindness, protecting paedophiles through cultures of concealment. The Anglican and Catholic churches and the Salvation Army frequently took steps to conceal wrongdoing, according to the concessions that they made to the inquiry and a substantial body of credible evidence. Victorian governments failed in their duty in regard to orphanages and homes. Children suffered the triple betrayal of neglect and abandonment as infants, then on being taken into the community's care were grievously abused, physically, emotionally and sexually.

The fortitude of the innocents who testified was inspiring. Their courage is humbling. Silver-haired men cradled photographs of themselves as schoolboys with sunshine smiles. A middle-aged woman presented a happy snap from her first Holy Communion depicting a young bride of Christ. Each memento was a cry from the heart, yearning for innocence lost. Aged 87, a woman poignantly revealed her childhood trauma for the first time. The existential impact of being raped as a child by a cleric was disclosed by a man who confided:

I was only asking for help when he took advantage of me and stole my soul in a brutal act...

Children bear the sense of guilt and shame like shadows blighting their lives. A horrendous consequence is that perpetrators often remain unrepentant, while some victims do not survive. Despite high-profile criminal prosecutions and incontrovertible evidence, victims report that there are still people who refuse to accept the reality and consequences of abuse or the extent to which respected individuals concealed their knowledge. Admissions secured during this inquiry will surely end the era of blind faith and cover-ups once and for all.

Adviser to the Pope Cardinal George Pell conceded that the Catholic Church placed paedophile priests above the law and destroyed documents in Victoria. When I asked Australia's highest profile Catholic leader if he agreed that this systemic cover allowed paedophile priests who prey on innocent children, Cardinal Pell replied:

Yes, you would have to say there is significant truth in that.

He also agreed with my proposition that moving paedophile priests to innocent parishes where they had access to vulnerable children resulted in more heinous crimes being committed. He said:

There is no doubt about it that lives have been blighted. There is no doubt about it that these crimes contributed to too many suicides, and that is an ultimate tragedy.

His successor as Archbishop of Melbourne, Denis Hart, agreed that Father Kevin O'Donnell was one of the worst paedophiles in Australia's history. Despite victims reporting his offences to the church hierarchy in 1946, 1958 and 1986, Father O'Donnell was moved to innocent parishes and given access to innocent children, with fatal consequences.

Chrissie and Anthony Foster presented two photographs to the inquiry. The first was a beaming family portrait featuring their daughters Emma and Katie. They were attending Sacred Heart Catholic Primary School in Oakleigh at the time. Unbeknown to their parents, Father O'Donnell, the parish priest, was raping the sisters. Emma was only five years old when the horror began. The subsequent photo depicted her a decade later, wrists and arms bloodied by attempted suicide. Their father testified that if only through all of these complaints the church had acted, his daughter Emma would still be alive and his daughter Katie would not be permanently crippled. After giving this harrowing evidence the family joined hands and Anthony Foster requested a minute's silence in Parliament House to honour his deceased daughter. Time ached. Silence offered no solace. Only the bell from a tram lurching into Bourke Street eventually earthed emotions to a familiar comfort.

These are the experiences that we felt in this house and in this chamber. The committee put forward recommendations that we hope will be accepted in a bipartisan way. This type of abuse occurred throughout the whole of the state. What happened in Ballarat needs further investigation to determine whether the

clustering of paedophiles was a coincidence or a conspiracy.

I commend the report and its recommendations to the house.

**Mr Nick WAKELING**

It gives me great pleasure to rise to contribute to this important discussion on the Family and Community Development Committee's report on the inquiry into the handling of child abuse by religious and other non-government organisations.

There are times when the community looks on politicians with disdain. Today I stand in this house proud to serve this Parliament with a genuine belief that the work undertaken by the committee is some of the best work that this Parliament has done in many years. The inquiry uncovered the great disdain felt by our community for child sexual abuse. This inquiry saw leaders of the Catholic Church, from Cardinal Pell down, admit for the first time that the church had knowingly harboured perpetrators of child sexual abuse within their organisation and, more disgracefully, had moved those perpetrators to other parishes, where they went on to commit further crimes. I think of Father O'Donnell, who committed a crime against a girl in the 1950s who presented to our inquiry as a 70-year-old woman. He went on to perpetrate the same type of crime on the Fosters' daughters in the 1990s. It just demonstrates the tragedy of this situation.

The committee received 578 submissions and held 162 hearings, of which 56 were conducted in private. The inquiry took its toll. We listened to stories of victims, many of whom are now my age, and it is only by the grace of God that I did not attend their primary schools. The crimes that were committed against them occurred when they were the same age as my own children. It was hard to listen to.

As a committee we owed it to those victims to come up with a series of important recommendations. We came up with five key areas for change. The first proposes changes to the criminal law. We want to make it an offence to fail to report to police or to conceal knowledge of suspected criminal abuse of a child, we want to make it an offence for people in authority to knowingly put a child at risk and we want to make sure it is a separate offence to groom a child. In terms of civil litigation we want to remove the current statute of limitations for victims of criminal child abuse. For many victims it takes an average of 23 years to take action on a crime that was perpetrated against them, so it is important that statute of limitations be removed. We want to ensure that organisations can be held vicariously liable for the actions of those who act on behalf of the organisation. We also believe it is imperative that organisations like the Catholic Church become incorporated to allow individuals to sue the organisation, and we need to extend that to any organisation that receives government funding or tax exemption.

Some victims did not wish to go through the court system and sought solace in the Catholic Church's Melbourne Response or Towards Healing programs. The committee heard of the pain they endured going through that process, and it has recommended that a separate avenue be established in the Victims of Crime Assistance Tribunal system, an independent government-based system, to allow victims to make claims through a truly independent body. It is what we call colloquially an 'abuser pays' system—that is, those organisations that are perpetrators of the crime will fund the administration of the system and the compensation.

I echo the sentiments of my colleagues that this was wonderful work that the committee undertook. I thank Frank Vincent, Claire Quin, Mal Hyde, Dr Janine Bush and the many other people who were participants in this inquiry very much for their assistance.

**Ms Bronwyn HALFPENNY**

I rise to speak on the Family and Community Development Committee report titled Betrayal of Trust. I found it very difficult to prepare for today because it is not possible to find the words. Nothing can describe the shocking and horrific treatment of children criminally abused in the very organisations and institutions that were supposed to care for them. And I do not pretend that this report rights the wrongs of child abuse in organisations. It cannot bring back those who have lost their lives through suicide, substance abuse, chronic illness and homelessness caused by the abuse; it cannot restore the pain of those who loved them; and it cannot give back the innocence, health and dignity of victims to whom we owe so much because we failed them so badly.

But I hope this report shines a light on child abuse, its consequences and what can be done. It is one very small step in the many, many steps that must be taken by the hundreds of personal accounts that were made by these people. The strength shown by those people, and in some cases by members of their families who spoke on their behalf, was simply incredible. These people told stories of unsuccessfully searching for justice and vindication for what they endured in what was clearly an enormous betrayal of trust.

Is there any greater betrayal than the rape of a child or criminal child abuse in any form? I certainly think not. When it is conducted by members of trusted institutions who then make every endeavour to cover up the crimes—and in their denials and cover-ups facilitate further abuse on unsuspecting communities, children and families—it is simply an abomination. Organisations were simply pathetic in their responses and their actions. Put simply, children and their families were betrayed by trusted figures. They suffered unimaginable harm, and then these organisations failed to act on these heinous actions when they became apparent. Children were subjected to a pattern of criminal behaviour, parents were groomed by those in trusted positions to enable access to their children, reports of this abuse were then swept under the carpet and were not acted on and organisations then made every effort to cover up their wrongdoings to protect their reputation and—very disappointingly—their finances.

I wish to comment on some of the recommendations of the committee, which I very, very strongly endorse. They are: to make it an offence to fail to report to police or to conceal knowledge of suspected abuse of children; to make it a criminal offence for people in authority to knowingly put a child at risk—this addresses the action we often saw of moving clergymen and others to a new area to continue their traits; and also to make it an offence to groom a child or their parents. This will apply when that grooming has an intention of being sexual in nature.

In relation to civil matters, which the member for Ferntree Gully touched on, the recommendations include excluding criminal child abuse from the current statute of limitations. This recognises that it can take many decades for victims to come forward in relation to their abuse. We heard from the member for Ferntree Gully that it takes an average of around 23 years, so it is very important that that statute of limitations be excluded. The recommendations also include: to ensure organisations are held accountable for their legal duty to protect children from criminal abuse, and that they be held responsible and liable for the actions of those who are acting on their behalf. I see that as a critical recommendation. Importantly it is also recommended that there be greater monitoring and scrutiny of

these organisations through independent oversight and the development of the knowledge of people in organisations to better handle such allegations. There were many stories about situations in which that expertise and knowledge did not exist. I congratulate those members who were involved in this inquiry on the report that has been produced. I commend it very strongly to the house.