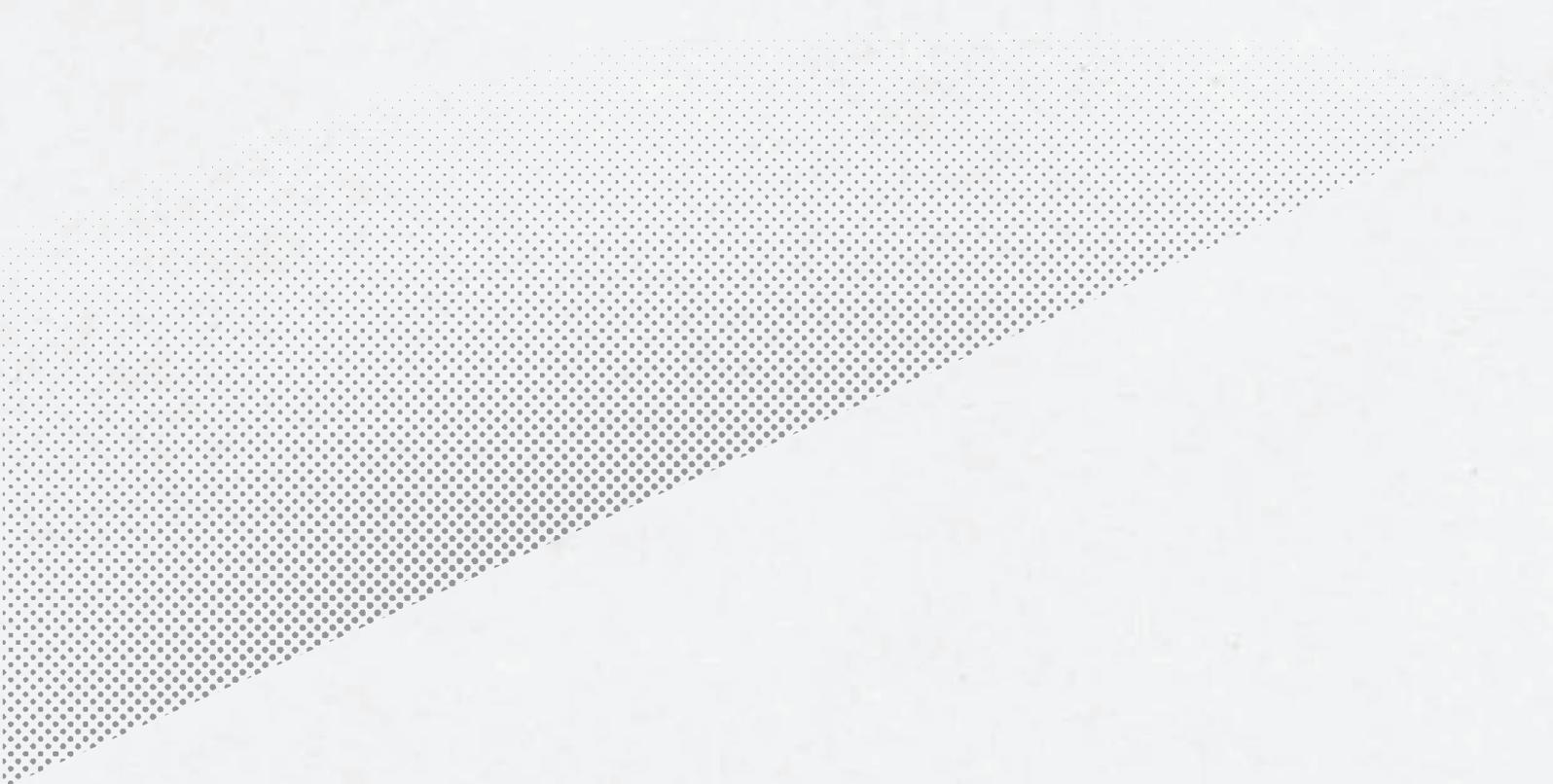


PART B

VICTIMS' EXPERIENCES, IMPACTS AND THEIR PURSUIT OF JUSTICE



Victims of crime seek justice for the harm they suffered and the ongoing consequences of the crime. How that justice is provided is important and can assist in their recovery and efforts to rebuild their lives after experiencing criminal child abuse.

Experiences

Central to the Inquiry has been the experiences of victims who have been subjected to physical, sexual and emotional abuse in their childhood. The Committee heard graphic accounts of the horrific and traumatic experiences of victims abused as children in the care of non-government organisations.

While not required by the Committee's Terms of Reference, many victims were willing to tell their accounts of abuse to the Inquiry, which were important in helping the Committee to understand their feelings of fear and helplessness. In circumstances of sexual abuse, victims explained that they lacked the intellectual framework as a child to understand their abuse. They spoke of subsequent feelings of guilt, shame and embarrassment.

Sexual and other criminal offences committed against children are not a new phenomenon. Conduct of this kind has been condemned by society for centuries. It has attracted severe penalties under our criminal law for a long time.

Chapter 3 outlines the broad experiences of physical, emotional and sexual assault of children that the Committee heard, with some specific examples of individual experiences. While graphic and confronting, the vulnerability of these accounts of children exposed to criminal abuse is clearly evident.

Impacts of abuse

The impacts of their experiences of criminal child abuse are significant and the Committee heard many accounts of the harm that it caused them at the time and throughout their life.

Knowledge of the effects of criminal abuse on children has been in the public domain since the 1960s. Children subjected to criminal abuse in organisations often experience lifelong impacts that include mental health problems, addiction issues, relationship difficulties, issues with anger and difficulties with life skills, education and employment.

In addition, the consequences of child abuse that is suffered in secular and religious organisations can be intensified due to the often high moral standing of the perpetrator. More specifically, abuse by a trusted religious figure can destroy a child's belief that the world is a safe place and makes the world seem chaotic and unstructured.

The majority of evidence received by the Inquiry related to the criminal abuse of children within the Catholic Church in Victoria. Most accounts were provided by adult victims who disclosed their experience a long time after the abuse occurred. For many it was the first time they had disclosed their abuse. The Committee valued the courage of the hundreds of victims who shared their experiences, contributing significantly to its knowledge and understanding of the crime of child abuse in non-government organisations.

The impacts of criminal child abuse in organisations also extend to families. Parents told the Inquiry of feelings of profound guilt that they had not protected their child and had been drawn in by the grooming tactics of the perpetrator. Some victims of child abuse blamed their parents for not protecting them. Some families have been fragmented and damaged as a consequence of the abuse a family member has experienced.

The Committee heard that some local communities had become divided as a consequence of the responses of organisations to criminal child abuse, particularly in religious organisations. Members of some religious communities spoke of a loss of trust for organisations they had previously held in high regard.

Chapter 4 outlines what the Committee heard regarding the extensive impacts of criminal child abuse. It considers it is important to understand and acknowledge the profound, and often lifelong, consequences of physical, emotional and sexual abuse on children.

Achieving justice

Victims of criminal child abuse by personnel in trusted organisations told the Inquiry they were seeking justice for what they often felt was a loss of innocence as a child.

Chapter 5 outlines the justice that victims sought, including their views on what justice means to them individually. The Committee heard, however, that many victims were not given the basic levels of respect they expected. Organisations often did not assume responsibility for the harm victims had suffered. Victims spoke of ‘unfinished business’ and resentment resulting from the inadequate response by organisations to their disclosure of abuse they experienced by personnel within the organisation.

Adding to the sense of injustice that victims experienced was their feeling of betrayal by organisations, particularly the Catholic Church, that were inconsistent in their approaches to victims and offenders—giving inadequate support to victims, yet providing pastoral, legal and financial support to offenders. They spoke of unfulfilled promises by leaders in the organisation and the trivialising of their experiences.

Victims provided numerous recommendations for reforms to the handling of criminal child abuse by non-government organisations. The Committee considered what victims and their families were seeking in its consideration for improvements to systems and processes.

Chapter 3

Victims and their experience of criminal child abuse in organisations

AT A GLANCE

Background

In order to consider the most appropriate response to victims of criminal child abuse occurring within religious and non-government organisations, it is necessary to consider the experiences of victims. The purpose is not to make specific findings regarding individual experiences, rather it is to ascertain if there are common characteristics or particular areas that non-government organisations need to address in preventing criminal child abuse and responding to complaints.

The Committee was provided with many accounts of criminal child abuse suffered while in the care of religious and non-government organisations. The majority of these accounts related to events that had occurred in the 1960s through to the 1980s, often when they were children in the care of ministers of religion in orphanages and institutions or at schools and parishes.

Religious and non-government organisations that provide care to children traditionally have been held in high esteem, with its representatives being trusted and respected members of the community. In these environments, children were made vulnerable to criminal child abuse in the following ways:

- The environment in which the child was living in the institution or boarding school was such that opportunity to criminally abuse children arose with no adult to whom a child could complain.
- In some circumstances, there was the opportunity for perpetrators to ingratiate themselves with families, ensuring access to the children.

The experiences of victims reveal that in both instances perpetrators were able to take advantage of their revered position and ensure that victims either did not reveal their abuse or were not believed when they attempted to do so.

The Committee heard that the occurrence of criminal child abuse was not limited to one-off incidents and that in one particular area, the Ballarat Diocese, the systemic nature of this abuse is undeniable.

3.1. Common experiences

Victims who appeared before the Inquiry came from a range of social backgrounds and geographical locations. This is consistent with research that suggests that because children rely on adults to meet their basic needs, all children are at risk of criminal child abuse.¹ At the same time, however, it is important to emphasise that most children are safe from abuse in organisations.

As described in Chapter 2 of Part A, the Committee provided flexibility in how victims could approach their evidence to the Inquiry. As a consequence there were many variations in the type of information provided. Some were full accounts of the abuse experienced—the location, the perpetrator, when the abuse occurred and their age at the time. Others provided brief explanations of a specific instance of criminal child abuse and focused on how non-government organisations responded to their experience.

Despite the varied nature of the submissions received, in reviewing them the Committee was able to identify trends in the experiences of the victims. It considered:

- the age of the victim when they were abused
- the nature of the abuse reported in their evidence
- the context in which the abuse occurred
- information about the perpetrator of the reported abuse.

1 M. Irenyi, L. Bromfield, L. Beyer et al. (2006) *Child maltreatment in organisations: Risk factors and strategies for prevention*. *Child Abuse Prevention Issues series*. vol. 25, Spring 2006, Melbourne, Australian Institute of Family Studies, p. 4.

The Committee did not seek a detailed account of individual victims' specific experiences of criminal child abuse and many did not provide this information. Table 3.1 outlines the Committee's analysis of the written submissions to the Inquiry regarding the victim's age, the nature of the reported abuse, the time period in which it occurred and the context.

Table 3.1: Submission analysis

Characteristic	Variable	Percentage
Age of victim	0–4 years	5.4
	5–6 years	12.2
	7–9 years	20.5
	10–12 years	28.9
	13–15 years	20.6
	16–17 years	4.1
	Unknown	8.3
Nature of abuse experienced	Physical	23.6
	Sexual	48.1
	Combination ²	27.4
	Unspecified	0.9
Approximate time period of reported abuse	1930s–1940s	9.2
	1950s–1960s	57.8
	1970s–1980s	25.4
	1990s–2000s	0.4
	Undated	7.2

Source: Compiled by the Family and Community Development Committee.

Most of the victims who participated in the Inquiry were male, and the large majority of reported abuse occurred in Christian affiliated organisations. Only 10 per cent of victims who provided submissions to the Inquiry reported their abuse to the police. The Committee noted that this reluctance to report criminal child abuse to police is consistent with research findings.

Many of the submissions contained graphic details of horrendous experiences of criminal child abuse. Legal advocate for victims, Ms Judith Courtin, summarised the experiences of child abuse victims in Ballarat. These experiences reflected the broader evidence to the Inquiry. She stated that:

With the physical assaults, the ages of the children ranged between 5 years of age and 16 years of age, and some examples of these physical assaults were bashing and punching with closed fists to many parts of the body, but the head, the neck and the buttocks were preferred ...

The victims described much of this treatment as torture ...

2 Including physical, sexual and emotional abuse.

The sexual assaults and the rapes consisted of penile oral rape of the child, penile anal rape of the child, digital anal rape of the child, forced masturbation by the child of the offender, masturbation of the child by the offender, and fondling of genitalia both through and under clothing. The age range of these children at the time was between 5 years of age and 14 years of age.³

3.2. Delayed understanding and reporting

Many of the written submissions received by the Inquiry marked the first time victims revealed the fact they had been abused decades earlier as children. No doubt many victims of criminal child abuse have passed away with their account remaining a painful secret.

The Committee heard evidence from a woman who was 83 years of age who explained that she had been subjected to criminal child abuse when in the care of a non-government organisation when she was seven years old. It was the first time she had disclosed her experience of abuse.⁴

3.2.1. Delayed understanding

In instances of criminal child sexual abuse, victims told the Inquiry they were often confused about what was happening to them, and that while they had a sense that it was wrong, they were too young to know or describe the experience. For example, one victim explained that:

I had no concept of sex, as it were. This was something that just happened. I could not name it, I could not verbalise it, I could not articulate it, but I knew I needed to run away.⁵

Another victim, Mr Philip Nagle, also told the Committee that ‘I did not know what was happening to me was sex. I knew nothing about that.’⁶ Mr Tim Lane similarly stated that ‘I was only five and still did not quite understand what he was doing, really.’⁷

The Deputy Director of the Australian Institute of Family Studies (AIFS), Dr Daryl Higgins, indicated that this experience is not unique. He explained that ‘There is also a lack of recognition sometimes of the experience as abuse, and it is often not until adulthood that people will actually recognise, “What happened to me was not my fault; I didn’t ask for it, and it is abuse.”’⁸

3.2.2. Concealing the abuse

The Committee heard that perpetrators of criminal child abuse used different methods to prevent their victims from disclosing the abuse. It identified trends in the physical location or context of the criminal child abuse.

Victims who experienced criminal child abuse in institutions said that perpetrators would often tell them they were dirty and unwanted. Victims told the Inquiry that

3 *Transcript of evidence*, Ms Judith Courtin, Ballarat, 28 February 2013, p. 3.

4 *Transcript of evidence*, Ms Valda Lang, Melbourne, 1 March 2013, p. 3.

5 *Submission S465*, Name withheld.

6 *Transcript of evidence*, Mr Philip Nagle, Ballarat, 7 December 2012, p. 4.

7 *Transcript of evidence*, Mr Tim Lane, Ballarat, 28 February 2013, p. 2.

8 *Transcript of evidence*, Australian Institute of Family Studies, Melbourne, 19 October 2012, p. 3.

they felt isolated and worthless, and felt a lack of genuine love and affection in their lives. Perpetrators often threatened the victims with more abuse if the victim attempted to report the matter.

Perpetrators who abused children in a parish environment tended to use different tactics to hide criminal child abuse. They tried to appease the child and they told the victim that their sexual relationship was their 'little secret' and that no one need know about it. Quite often, the minister of religion or lay employee would shower the child with attention to make them feel special.

Regardless of the physical location or context of criminal child abuse, many victims were told by the perpetrator not to report the criminal child abuse because no one would believe them, including their parents.

3.3. Victims' experiences

Graphic accounts of childhood experiences were provided to the Inquiry dating as far back as the 1920s. Victims recalled the harrowing details of the abuse they had suffered at the hands of those responsible for their care. The criminal child abuse occurred in a number of contexts, though principally while the child was living in institutional care, attending school or participating in parish or other community activities.

One witness told the Inquiry he was aware of criminal child abuse occurring in 1953 in the Ballarat area by the Christian Brothers. He explained that:

... these sex crimes were not happening over years; they were not happening over decades; they were happening over generations. Pat is the oldest victim to come forward that we know about. He is in hospital at the moment, and he is very ill, partly due to stress and anxiety, but partly due to injuries to his body. He is just outraged that this has gone on, not only since he was at school but clearly it happened before him and undoubtedly it would have happened ever since the Church and the Christian Brothers came to Ballarat.⁹

Mr Alfred Stirling, a resident at Bayswater Boys Home, provided an example of criminal child abuse that occurred in institutions:

Whilst in care at both facilities [operated by the Bayswater Boys Home], I was abused mentally, sexually and physically by the staff. I was not privy to the names of the staff as I was only ordered to refer to them as BOSS. We were given food that was not even fit to be given to animals: meat covered with maggots, porridge with [weevils], mouldy bread and rotten vegetables. Floggings and beating on a daily basis, scars on my body bear the horrific memories. At night I would hear screams and crying, hoping that my door would not be opened, that that night I would not be sexually abused. Although, I was no exception, I was sexually abused many times.

Today I sleep with an axe and knife under my bed. My family has suffered by side effect behaviour from the abuse.¹⁰

In the submissions received by the Committee, this description of experiences growing up in institutions was, regrettably, common.

⁹ *Transcript of evidence*, Ballarat & District Group, Ballarat, 28 February 2013, p. 8.

¹⁰ *Submission S054*, Mr Alfred Stirling, p. 1.

In its analysis of submissions, the Committee identified that the nature of the abuse experienced by victims that participated in the Inquiry varied depending on the context in which it occurred. It heard that approximately:

- 37 per cent of reported abuse occurred in institutions
- 39 per cent of reported abuse occurred in schools
- 22 per cent of reported abuse occurred in parishes
- 2 per cent did not specify the context.

3.3.1. Institutions—orphanges, cottage homes and other institutional care

There were a range of institutions in operation prior to the 1990s. Most institutions were established to care for children who were wards of the State. Table 3.2 outlines the type of institutions that existed prior to the 1990s. Institutions were largely operated by non-denominational and Christian organisations. The phasing out of institutional care for children is discussed further in Chapter 6.

Table 3.2: Types of institutions prior to the 1990s

Type of care	Overview
Children's home	The term commonly used from the 1920s to the 1970s to describe institutions providing out-of-home care to children.
Orphanage	An institution offering dormitory-style accommodation for children.
Cottage care / cottage home	A model of institutional care that began in the United Kingdom in the late nineteenth century. It was seen as an alternative to large-scale dormitory-style accommodation (although cottage homes could house up to 40 children).
Family group home	A model of care from the 1940s where small groups of children were accommodated in buildings the size and form of an average family home. The family group home emerged out of concern at the lack of individual attention given to children in largescale institutions.
Farm school	A model of residential care for children based in a rural area that trained children (typically boys) in agricultural duties. Farm schools usually comprised a number of cottages in which children lived with cottage parents.
Receiving home or reception home	An institution designed to provide short-term care for children before they were sent to a longer-term placement (typically a foster home). From the 1950s this type of institution was often called a 'reception home'.
Reformatory or youth training centre	A children's institution for children convicted of criminal offences used to keep them separate from the adult prisoner population. They were also used for children judged as needing strong discipline. From the 1950s they were often referred to as a 'youth training centre'.

Source: Adapted from the Department of Families, Housing, Community Services and Indigenous Affairs the *Find and Connect Australia* website.¹¹

11 Department of Families, Housing, Community Services and Indigenous Affairs (2013) *Find and Connect Australia*, Accessed on 14 August 2013 from www.findandconnect.gov.au/.

Perpetrators of criminal child abuse tended to commit a combination of physical and sexual abuse and victims were often subject to both by the same person. Beltings and canings were the most common instances of physical abuse and this was reported to have occurred regularly. Other acts involved locking a child in a room without a blanket or forcing the heads of bedwetters into their dirty linen. Sexual abuse took all forms including anal penetration, and participation in acts of oral sex or masturbation.

The Committee heard that while the majority of perpetrators of criminal child abuse in orphanages and cottage homes were male, physical and sexual abuse was engaged in by females. Victims of criminal child abuse in cottage homes experienced a higher level of abuse by female perpetrators than any other setting. They included nuns from catholic-affiliated orphanages, a female cottage parent, or female officers in the Salvation Army. Criminal child abuse by female perpetrators was not reflected in the submissions to the Inquiry but was identified in the files reviewed by the Committee.

The Committee received submissions from victims who had attended a number of institutions. Many of the accounts related to experiences of growing up in institutions or orphanages operated by the Salvation Army including Bayswater Boys Home and Box Hill Boys Home. Individuals also related experiences of being placed in the care of the Christian Brothers at St Vincent de Paul Boys Home in South Melbourne, St Augustine's Boys Home in Geelong or the Franciscan Brothers at Morning Star in Mt Eliza. The Committee heard accounts of criminal child abuse perpetrated by both female and male ministers of religion in institutions who were responsible for children's care.

There are a variety of reasons and circumstances that result in children being placed in care. For many victims, the State had intervened due to parental neglect, illness, abandonment, poverty or domestic violence. Many of these children, who were either temporary or long-term wards of the State, were placed in institutions run by religious or non-government organisations. Others were placed in these institutions voluntarily by family or parents.

One common feature applying to all children sent to these institutions was that they had no avenue to make a complaint or to reveal the criminal child abuse they were suffering. Perpetrators of abuse exploited this impossible position in which these children found themselves. Abusers knew their authority would never be questioned and that the child would or could not complain. They could also be confident that the State, which placed significant trust in the abuser's organisation, would not intervene. There appears to have been either limited or no State monitoring of these non-government organisations.

The Committee was informed of an example of a child being physically assaulted by a police officer when apprehended and then returned to the institution.¹²

12 Care Leavers of Australia Network (CLAN) outlined the experience of an orphanage resident who sneaked out of the orphanage after an incident of criminal child abuse and made his way to South Melbourne police station to report the abuse. He described how his report was received by the police: 'a detective, Brian Murphy, came into the cell and slapped me a number of times before punching me in the stomach and told me not to bother coming to the police station with such cock-and-bull stories'. *Transcript of evidence*, Care Leavers of Australia Network (CLAN), Melbourne, 17 December 2012, p. 9.

Mr Wayne Davis, a resident of Morning Star Boys Home operated by the Franciscan Brothers in Mt Eliza, provided another example of treatment by police and their response. He and some other boys escaped from the home and were apprehended by police. The observations by police members finally exposed the criminal child abuse. Mr Davis explained:

I have nothing but praise for the police who picked us up. They went to fingerprint us because we were escapees, and when they opened my hands and put them on the fingerprint paper blood went everywhere because of the blisters all over my hands. They could not believe that, and then we told them about the kidneys. They did not believe us. They lifted all our shirts. Every one of us had bruised kidneys. We were all urinating blood, and we all had blisters all over our hands. We did not mention the sexual assault. I did not; I do not know about the others. I did not, because I was embarrassed by it. I could not tell anyone. They asked us what had happened. I told them everything bar that sexual thing ...

So getting back to the police, we told them all this, so they said, 'We want to get this out in the open' ... So when they got up I remember one of the questions was, 'What condition were we in when you found us?' They told them about the rags, we were starving, blisters, the bruised kidneys, blah, blah, blah. 'Could we have got in that condition in the amount of time we were out?' —'No, it was impossible. They looked like they had been in the jungle for six months', was the answer. And so it went ...¹³

Later, the witness indicated that he could not compare the treatment at Morning Star Boys Home with what he experienced at Turana (juvenile detention centre) or adult prison, with the former being much worse and more brutal than either of the other correctional institutions.

3.3.2. Boarding and parish schools

The Catholic Church is and has been responsible for the education of a significant number of children in Victoria.¹⁴ Many primary schools are attached to Catholic parishes in both metropolitan and rural areas of the State. Historically, some of these primary schools engaged members of religious orders who were residing in the parish as teachers. Also, the parish priest was frequently involved in the affairs of the school, including the religious education of the children.

A significant number of secondary students are educated at Catholic schools administered by religious orders. These schools function as both day and boarding schools, the latter more commonly in rural areas of Victoria. Historically, students at these secondary schools, mainly single-sex schools, were taught by members of these religious orders and were cared for by them where boarding facilities were available.

The Committee heard accounts of cruel physical and psychological treatment perpetrated by members of a number of religious orders, including those responsible for the education of girls. The vast majority of information the Inquiry received related to the Christian Brothers and the Salesians of Don Bosco and their treatment of boys in the schools with which they were either affiliated or responsible for administering.

¹³ *Transcript of evidence*, Mr Wayne Davis, Melbourne, 25 March 2013, p. 2.

¹⁴ In 2012 the Catholic Church had responsibility for the primary and secondary education for about 146,400 students enrolled in 328 Catholic schools in the state. *Submission S185*, Catholic Church in Victoria, p. 95.

The Christian Brothers have been operating schools, predominantly boys' schools, in Victoria for over 100 years. Registered in 1929, Salesian College Rupertswood, in Sunbury, is the oldest Salesian education institution in Australia. In the early 1990s the school became a co-educational college, having previously existed as a day/boarding school for boys.

The Committee held hearings at Ballarat, an area where the Christian Brothers were responsible for the education of a significant number of boys at both primary and secondary level. A group submission was provided to the Inquiry regarding alleged physical and sexual assaults perpetrated in areas around Ballarat—the submission also summarises the relevant schools, the dates during which the conduct took place and the alleged perpetrators of the abuse. The schools noted in Ballarat were St Alipius Primary School, St Patrick's Secondary College and St Paul's Technical College:

- One victim was abused by the same perpetrator at different schools.¹⁵
- One individual was abused between the ages of 11–14 by three different clergy/brothers in Ballarat.¹⁶

The documented criminal child abuse occurred between 1965 and 1983, and the age range of the children was between 5 and 16 years.¹⁷ The Committee was provided with accounts containing similar allegations in respect of other schools that were administered by the Christian Brothers, particularly when it conducted hearings in Geelong and heard accounts relating to St Joseph's College.

One startling fact for which the Christian Brothers could provide no explanation related to St Alipius, a primary school connected to that Church in Ballarat East. During 1973, the principal and Grade 6 teacher was Br Robert Best, the Grade 5 teacher was Br Stephen Farrell and the Grade 3 teacher was Br Gerald Leo Fitzgerald. Additionally, the school chaplain was Fr Gerald Ridsdale. Extraordinarily, the only teacher not subsequently suspected or convicted of sexual abuse of children teaching at that school was a female lay teacher. In evidence to the Inquiry, Deputy Province Leader of the Christian Brothers, Br Julian McDonald, said:

I have no adequate explanation for that ... It is certainly an accident of history. It was a terrible, terrible situation.¹⁸

The Committee was concerned that the Deputy Province Leader could not provide an explanation regarding how three teachers and the school principal who were perpetrators of criminal child abuse could be working at the school at the same time in 1973.

The Salesians of Don Bosco is an order made up of lay religious (brothers) and priests. Material provided to the Inquiry raised concerns about the protection by the Salesians of alleged perpetrators overseas, which is discussed further in Chapter 21 in Part F. As the criminal convictions of former principal of Rupertswood College Fr Frank Klep illustrate, the occurrence of abuse at Rupertswood during this period cannot be denied. Fr Klep was convicted on 14 counts of indecent assault occurring between 1973 and 1979, relating to 11 adolescent boys who were placed in the infirmary at the school, of which Fr Klep was in charge. Of the 14 counts, six of them were

15 *Transcript of evidence*, Ms Anne Murray, Ballarat, 28 February 2013, pp. 9–10.

16 *Transcript of evidence*, Mr Stephen Woods, Ballarat, 28 February 2013, p. 8.

17 *Submission S317*, Ballarat & District Group, p. 2.

18 *Transcript of evidence*, Christian Brothers, Melbourne, 3 March 2013, p. 3.

representative counts. Representative counts mean sexual assault perpetrated on the victim occurred on more than one occasion.¹⁹

Offenders who were members of religious organisations were confident that they could abuse their victims and that their activities would not be revealed. Victims were too terrified to report their crimes or were fearful of what people would think of them. Victims have explained that upon reporting criminal child abuse to other members of the religious organisation, no action was taken or that they were physically punished. Others told their parents but were not believed.²⁰

3.3.3. Parish activities

Parishes operate within local communities and, regardless of the religious beliefs of members of the community, parish priests are usually recognised as respected leaders who represent ‘good’ values and make a positive contribution to society. The fact that parents endorsed these values reinforced the respected status of parish priests and often strongly influenced the young child’s failure to disclose abuse by a priest. Consequently, a situation ripe for criminal child abuse arose, as the trusted offender could take full advantage of his revered status and conduct criminal activities without fear of challenge or exposure.

Many of the children who attended primary schools attached to the parish were also involved along with family members in other parish activities. As is evident from a number of the submissions received, it was not uncommon for the parish priest to be a regular visitor to the homes of parishioners and for him to share meals or other important family occasions. Some perpetrators took full advantage of this hospitality relationship and ingratiated themselves with the family. Such conduct or ‘grooming’ of both the child and parents was able to occur because of the family’s unquestioning trust in the priest and because of the good standing of the religious organisation. This concept of grooming is considered in depth in Chapter 22 of Part G.

This attitude towards parish priests is illustrated by the remarks of a witness whose brother was a victim of the abuse of Fr Ridsdale in the Ballarat Diocese:

When Anthony told Mum when he came home from the camp, I think on that night, that he did not want to go on a camp anymore because Father Ridsdale made him sleep in the tent, and Mum’s reaction was, ‘Oh, that’s lovely darling. Wasn’t that kind of him to comfort you?’ And I think from that moment on, it was probably a profound moment, Anthony knew that there was not an understanding and not even a beginning of an understanding of the horror that went on in that tent and how it changes someone’s mind, and how the culture at that time could not possibly see that this was going on.²¹

Children were actively encouraged to become involved in parish activities, particularly as altar boys. In addition, children were alone with a priest when they administered the sacrament of confession. The Committee heard that some activities involved a priest driving children to assist him in his parish duties, particularly in rural areas, providing an opportunity for criminal child abuse to occur. For example:

On the first intimation of abuse, O’Donnell found an excuse to have me alone in his car while he took communion to an elderly lady at Tallarook. While returning via a

¹⁹ *DPP v Klep* [2006] VSCA 98.

²⁰ *Submission S317*, Ballarat & District Group, pp. 5–6.

²¹ *Transcript of evidence*, Ms Anne Murray, p. 9.

back road to Seymour he slowed the car, let go of the steering wheel and lunged at me. I shrank away, said ‘the car’ which was running off the road. He desisted and resumed driving, in silence, except for asking ‘you won’t tell anyone, will you?’ I was traumatised and completely shocked for many days after ...

After a little while, when I was again off-guard, O’Donnell asked my mother and the Sisters permission to take me out of school early on Monday afternoons so I could help teach catechism to the children who attended Tallarook State School. All agreed. I was not consulted, just told to ‘go with Father’ when he appeared at the classroom door. Upon entering the sacristy at Tallarook, he pushed me against the wardrobes and digitally raped me. This became a frequent event, both at Tallarook and in other situations where he would entrap me.²²

3.3.4. Regional experiences—Ballarat example

The prevalence of criminal child abuse in non-government organisations and the broader community is discussed in Chapter 6 of Part C.

The extent of criminal child abuse within an organisation can be illustrated by much of the material that was presented to the Committee in hearings conducted in Ballarat on 7 December 2012 and 28 February 2013. The Committee received a group-written submission and also heard from a collection of individuals who appeared at the hearings in Ballarat. The following are accounts from different witnesses:

Reporting the abuse. Segments of that very day in 1972 when I was digitally raped by a Christian brother —while attending form 1 at St Thomas More College, Nunawading are still so very real to me to this day. The cologne or similar worn by the abuser remains a trigger from wherever it finds me. The bicycle ride home with a big hill did not beat me. Most vivid for me was running outside to play footy and the back door slamming after I had told my mother what had happened to me that day in the school classroom. He taught me subjects such as religion, English, geography and mathematics and went with the title of form master. I was only asking for help when he took advantage of me and stole my soul in a brutal act ...

I believed that I was listened to, because soon after I was travelling to a new school by train. With my parents being strict Catholics, I was certainly frightened about getting my mouth washed out with disinfectant if I had said something wrong. That did not happen ... 25 years later, in 1997, these troubles and no care for authority led me to doing a police statement about my abuser. Sadly, I did not get the result I was looking for. My abuser was in jail, but he did not remember me —so I was told. The answer hurt more. With my anger still raging and the alcohol turned off, I penned a letter in 2004 to the church. I decided to show my parents the letter before I posted it. It was also a way of making sure I was brave enough to post it. So after 32 years the incident was spoken about again. It was to my disbelief that I had not been heard all those years ago. The change of school was for academic reasons ...

Mum and Dad were appalled by knowing they had given all their lives to the Catholic Church —their family, their trust, their money, their time and their support, broken by the Catholic Church. They supported my letter and encouraged me to persist. The response was quick, and the matter would go to the appropriate place, and that was the Towards

22 *Submission S056*, Ms Janice Dwyer, p. 1.

Healing process. By 23 February 2005, the last thing I was fighting for was money.²³

Another witness said:

In the very early 70s I was sent to boarding school. I did not know I was going there. It was in Ballarat. Fortunate or not, I had an understanding. I was probably a little bit older, probably a little wiser and maybe as a 13-year-old physically more advanced, so I understood from the first night in the dormitory what was going on. Having been exposed to violence early in my life and understanding violence in a very raw form, it seemed to be that the best form of defence would be offence.

For my year at St Pat's, rather than go to the small room on the corner where other boys went, I took the fight to the brother and preferred the damage. It seemed smarter. Unfortunately it did not work out that way in the end. Eventually you get put in a position you cannot get out of, and you are locked in the room. There are things that even as an old man today I am embarrassed about. I was raped by a bloke. It is an incredibly humiliating thing. But the fortunate part about it was that after it happened I found an opportunity to get him back and show him how angry I was and how angry I was going to be. I had my day in court. I told him what I thought of him, and I told him what I thought of the things he did. I had written down everything he had done for that year. I had written down every person he had been with, because I knew one day we would be here and somebody would ask the question.²⁴

Mr Peter Blenkiron told the Committee:

When the abuse happened, when I was 11, I froze. Not only did I freeze on the spot, I froze emotionally. It was only three or four years into counselling that I started to actually feel an emotion in my body from that day forward. I thought emotion was a thing you did in your head. I got a sense of it. When I had a normal emotional upheaval in my life in 2000, it was the straw that broke the camel's back. The ability to hold that emotional trauma inside and any other emotion that I experienced since 11, it all snowballed up inside. So not only did I experience the initial trauma but every single emotion I had held back from 11. So when the straw broke the camel's back it was an absolute avalanche of terrible emotions experienced all at once. It knocked me into oblivion. I was in my house for probably two years. I would only go out to go to cricket or cricket training. I tried to hold my coping strategies together, or I would go out and obliterate the emotion with drink. And I would do anything I could to get away from those feelings. That is what I was doing subconsciously, because the feelings are still all there.

It is like [another victim] Andrew said with the beach ball. That beach ball is that emotional horror that eventually gets bigger and bigger and you cannot hold it back. It goes off like a bomb, and it destroys your ability to think. It shuts down your brain, and that has been proven chemically. I have been told by therapists that that is what happens. Your body actually has a chemical reaction in the brain. Then what happens is you try to learn to function.²⁵

Mr Tim Lane told the Inquiry:

He used to do it to us all the time: go up and say goodbye to us when we were in bed. But why would he want me to leave the room to say good night to somebody? I will never forget the look on [my brother] John's face. I did not understand it then, but that

23 *Transcript of evidence*, Mr Keith Whelan, Ballarat, 28 February 2013, p. 6.

24 *Transcript of evidence*, Mr Paul Tatchell, Ballarat, 28 February 2013, pp. 13–14.

25 *Transcript of evidence*, Ballarat & District Group, p. 16.

image is still clear in my head and I could see he was scared. I wish I had stayed in the room. Maybe he would not have touched him while I was present; I do not know.

Johnny's trigger point was depression and he took his life. He gassed himself in the car around Lake Wendouree. I drove his car for years. That was how I thought: that that was the closest I could get to John now. Besides seeing him ice cold in the coffin they were your last memories of him, besides the fun we had as kids. Other members of the family will not come forward. I am the youngest of the six and I am the voice for them.²⁶

In Ballarat, reasons for non-disclosure as discussed above were put forward. One witness reported that he told his mother, a staunch Catholic, of the abuse, and she did not believe him. The following day he told a teacher at the school, who responded that:

'He's a pervert; just try to keep away from him', and nothing else was done.²⁷

Some of the witnesses who presented oral evidence to the Committee displayed photographs of themselves as young children when the criminal child abuse took place.

One witness, Mr Andrew Collins, reported as follows:

While I am talking, I would appreciate if you could keep in mind that that is the boy who was abused. It is very easy to look at me and say, 'That's a man sitting there talking to us', but that is the boy who was abused.

I was abused at age 14 at St Patrick's College in Ballarat by a Christian Brother. I was brought up in a very devout Catholic family and had great respect for the Church and its clergy, who were seen and believed by us all to be closer to God. The Christian Brother who abused me was not only my teacher, an authority figure and a man of God, but he reminded me very much of my father, who I had been very close to. At the start of the year he was very kind and very nice to me; by the end of the year he was a sadistic brute. My reporting of the abuse was not believed by any of the adults who I told, and nothing was done about it. This was not only a betrayal of trust, but it left me in fear. I was all alone, and I had to face this fear by myself ...

I changed a lot that year. One of my fears was that I would be labelled as a homosexual ...

I wanted to make sure that everybody knew that I wasn't gay and that I wasn't weak, so I adopted a tough persona. Fighting became a regular occurrence. I played a lot of sport, and I played hard. For the rest of the year, I made sure that he knew that I was tough. I swore, I played up in his class and I was in a lot of trouble that year. I indulged in some risky activities like shoplifting, and I was in fear all year. After the abuse, he would stand and watch me in the showers after sport, even though he had nothing to do with coaching or being in that sport. There was just constant fear. I had to endure being taught sex education by him as well that year, which was horrendous. I think it is fair to say that my childhood ended that year ...

I had to develop a coping strategy, and the best analogy I can use is that of a beach ball. I held the beach ball under the water. It is easy to do, but after a while your arms get tired and it becomes hard to do. As life goes on, you have to use one arm to deal with something else and it becomes harder again. Eventually the beach ball flies up out of the water, and once it is up you cannot get it back down again.

I discovered that, if I was occupied constantly, I did not have time to think ... I have always been emotionally numb. My feelings have always felt fake, and I have never really understood them ...

26 *Transcript of evidence*, Mr Tim Lane, p. 2.

27 *Submission S317*, Ballarat & District Group, p. 5.

The media reporting of my abuser being charged and sent to prison, the media reporting of the Ridsdale and Best cases, followed by some business problems, and then the decision of my son going to secondary school, were all catalysts for me. I had nightmares about my son being abused as he got to around the same age.

I hit rock bottom. Severe depression set in. It has been reported that the average time between abuse and reporting the abuse is 25 years, and that roughly fits in with me. The day I went to the police station and reported the case was one of the hardest days of my life. I was that 14-year-old child again. I had a fear of disclosing what happened to me to others. Would they think I was gay, weak or a liar? Would I become a social outcast? There was my family to deal with —what they would think —the shame that I felt and what I call the Catholic guilt because you cannot speak ill of the Church.

In some ways I was correct. Most of my family I have lost. I have lost a lot of relatives and friends who just don't want to know. I have a guilt that I have a lost soul, that heaven is gone for me. Although I have many new friends and they are very supportive, many others just do not want to know and do not call anymore. I didn't do anything wrong, but I feel punished. I have definitely lost my faith, and I believe I have lost my soul.²⁸

28 *Transcript of evidence*, Mr Andrew Collins, Ballarat, 28 February 2013, p. 11.

Chapter 4

Victims and the impact of child abuse in organisations

AT A GLANCE

Background

Criminal child abuse has a profound and devastating impact on the lives of victims that is unique to each individual. It has far-reaching consequences for families, communities and society.

Key findings

- Children subjected to criminal abuse in organisations often experience lifelong impacts that include mental health problems, addiction issues, relationship difficulties, issues with anger and difficulties with life skills, education and employment.
- Children who suffer criminal child abuse in organisations can experience specific consequences from being abused by a trusted person in the community, such as the loss of spirituality and having problems with authority.
- There are frequently significant effects on the families of victims criminally abused by personnel in organisations, including the fragmentation of families and the intense guilt felt by parents at not having protected their child.
- The impact on local communities of criminal child abuse in trusted organisations, particularly religious organisations, can be deep and divisive.
- While the actual costs associated with criminal child abuse in organisations are unknown, there are significant economic and social costs associated with child abuse in Victoria.

Victims told the Committee that the experience of criminal child abuse has had a profound and devastating impact on their lives. The consequences reach far beyond the individual to their family, their community and to broader society.

There is no single experience of the damage resulting from criminal child abuse. The Committee listened to many accounts of people's experiences of criminal child abuse and its effects on their lives, including feelings of fear and helplessness. The Committee acknowledges the resilience of victims who have survived their abuse and its ongoing consequences. It also recognises that not everyone is affected in the same way or to the same degree and that it is not always possible to link impacts directly with an experience of criminal child abuse.

The consequences are not limited to those who personally experienced criminal child abuse. The Committee heard multiple accounts of families that had suffered enormously from knowing the suffering of their child, brother, sister, niece, nephew or other family member. Some families separated as a consequence, and parents spoke of feelings that they had not protected their children and the resulting sense of guilt. Some relationships were significantly damaged by the effects of criminal child abuse on victims.

The impacts of criminal child abuse extend beyond the nucleus of the family and into local religious, school and other communities. Communities have been divided and damaged by the poor responses to criminal child abuse by some non-government organisations.

The importance of a strong focus on preventing criminal child abuse is evident when considering its far-reaching consequences. Victims told the Inquiry that non-government organisations had failed in their duty of care to protect them from the harm of criminal child abuse. Part D of this Report discusses the importance of prevention and how it should be approached.

4.1. Awareness of criminal child abuse and its impacts

It is difficult to pinpoint when the criminal abuse of children in organisations was first identified publicly as an issue.

Sexual and other criminal offences committed against children is not a new phenomenon. Conduct of this kind has been condemned by society as evil for centuries and it has attracted severe penalties under our criminal law for a long time.

Until 1949, buggery of a child under 14 years carried the death penalty and until 1980, it carried 20 years imprisonment. Since 1980 the penalty has been 15 years. Rape also, until 1949, carried the death penalty and was from 1958 to 1980 punishable by a maximum term of 20 years. Presently, the maximum term is 25 years imprisonment.²⁹ Indecent assault has attracted a maximum penalty of 10 years imprisonment for a substantial period of time. The majority of victims who presented submissions before the Committee were offended against in at least one or more of these ways.

Almost all of the forms of physical and sexual child abuse considered by the Inquiry would have been categorised as serious breaches of the criminal law. However, the grotesque nature of this kind of offending has contributed to the creation of a veil of

²⁹ For a list of maximum penalties relating to criminal child sexual abuse, refer to Appendix 3.

secrecy and shame, which in turn has served to hide the problem and ensured the true extent of it was not revealed.

4.1.1. Emerging understanding of the effects of child abuse

Awareness of child abuse has been emerging in different phases since the late nineteenth century. In 2010, a resource paper by the National Child Protection Clearinghouse reported:

Child protection in the late 19th century in Australia followed a similar path to the United States and the United Kingdom. An increased public awareness of child abuse issues led to the establishment of non-government and voluntary child protection societies, partly in imitation of those established in the United States and the United Kingdom.³⁰

In other countries, community awareness of the impacts of child abuse began to receive significant media attention in the 1960s, leading to policy and legislative change. In Australia:

New research on the effects of child abuse in the 60s and the subsequent media attention that followed helped to increase public and political awareness of child protection matters and led to continued debates and various changes to government approaches in the decades to follow.³¹

4.2. Impacts on victims

In regard to the impacts of criminal child abuse on victims, one person stated to the Inquiry that:

I have heard reference to ‘stealing the childhood of victims’, but the reality is that it is frequently stealing their entire lives.³²

There are multiple impacts that victims of criminal child abuse experience and these are frequently lifelong consequences.

In organisations, there are unique impacts of criminal child abuse, particularly in religious organisations. Furthermore, the difficulty experienced by adult victims of criminal child abuse who were wards of the State in accessing their records has implications for their sense of identity and their full knowledge of what may have occurred to them during their time in an institution.

In addition to the specific effects of criminal child abuse in organisations, the Committee identified the following range of consequences that child abuse victims may experience regardless of the context:

- mental health problems
- shame and guilt
- relationship difficulties
- addiction
- issues with anger

30 A. Lamont & L. Bromfield (2010) *History of child protection services NCPC Resource Sheet*. Melbourne, National Child Protection Clearinghouse, Australian Institute of Family Studies, p. 2.

31 A. Lamont & L. Bromfield (2010) *History of child protection services*, p. 3.

32 *Transcript of evidence*, Dr Tom Keating, Melbourne, 10 December 2012, p. 2.

- sexual development problems
- issues with authority
- difficulties with life skills, education and employment.

Research supports the Committee's findings, highlighting that criminal child abuse and neglect can have physical, psychological, cognitive, behavioural and social consequences.³³

Finding 4.1

Children subjected to criminal abuse in organisations often experience lifelong impacts that include mental health problems, addiction issues, relationship difficulties, issues with anger and difficulties with life skills, education and employment.

4.2.1. Specific impacts of criminal child abuse in organisations

More is known about the impacts of child abuse that occurs in families than is known about criminal child abuse in the context of organisations, since abuse occurs at lower rates in organisations. In addition, there is limited research and data relating to criminal child abuse in organisations.

Over the last decade, empirical research has started to emerge regarding the impacts of criminal child abuse in institutional and organisational settings.³⁴

Many victims told the Inquiry of the negative impacts flowing from their abuse in institutions as a child, such as mental health problems, lower educational attainment and chronic physical problems.

The nature of the relationship between the offender and the victim can influence the impacts of abuse. Studies reveal that being abused by someone you know or in whom you have placed great trust is associated with more negative long-term consequences than being abused by a stranger. This is especially true of mental health impacts.³⁵

The Committee identified that criminal child abuse that occurs in secular and religious organisations and institutions can be intensified due to the high moral standing of the abuser. Criminal child abuse by a minister of religion such as a priest, imam or rabbi has been linked to difficulties in trusting others, a sense of alienation from the world and the development of post-traumatic stress disorder (PTSD).³⁶ For

33 A. Lamont (2010) *Effects of child abuse and neglect for adult survivors*. NCPC Resource Sheet. Melbourne, National Child Protection Clearinghouse, Australian Institute of Family Studies.

34 See D.A. Wolfe, P.G. Jaffe, J.L. Jette et al. (2001) 'Child Abuse in Community Institutions and Organizations: Improving Public and Professional Understanding'. *Law Commission of Canada*; D. Pilgrim (2012) 'Child Abuse in Irish Catholic settings: A non-reductionist approach'. *Child Abuse Review*, Vol. 21, No. 6, pp. 405-13; K. Terry (2008) 'Stained Glass: The nature and scope of child sexual abuse in the Catholic Church'. *Criminal Justice and Behaviour*, Vol. 35, No. 5, pp. 549-69.

35 E.A. Sirles, J.A. Smith, & H. Kausama (1988) 'Psychiatric status of intrafamilial child sexual abuse victims'. *Journal of the American Academy of Child & Adolescent Psychiatry*, Vol. 28, No. 2, pp.225-29; T. Wozencraft, W. Wagner, & A. Pellegrin (1991) 'Depression and suicidal ideation in sexually-abused children'. *Child Abuse & Neglect*, Vol. 15, No. 4, pp. 505-11.

36 D.A. Wolfe, P.G. Jaffe, J.L. Jette et al. (2001) 'Child Abuse in Community Institutions and Organizations: Improving Public and Professional Understanding'; P. Parkinson (2003) *Child sexual abuse and the churches*. 2 edn., Sydney, Aquila Press.

many victims, being abused by clergy—trusted authority figures who speak of love, trust and faith—can make it more difficult to trust.³⁷

Broken Rites also explained to the Inquiry that there is an additional complexity for people who have lived in institutions as they get older. Honorary researcher for Broken Rites, Mr Wayne Chamley, explained some of the implications:

Their fear, as they get older—and they are now in their 60s—is that on the probability basis some of them are going to develop degenerative illnesses like dementia, Alzheimer’s and whatever. When you develop those sorts of conditions, you start losing memory. First you lose your working memory, and then you lose your short-term memory. The memory that lasts is your childhood memory. What a memory to be stalking them for the remaining 10 or 15 years of their life. Maybe they will go into an aged-care home, reinstitutionalised again. This is what they all talk to me about—the fear of what is going to happen to them.³⁸

Finding 4.2

Children who suffer criminal child abuse in organisations can experience specific consequences from being abused by a trusted person in the community, such as the loss of spirituality and having problems with authority.

Impacts on spirituality

A number of victims told the Committee that their experience of criminal child abuse had led to a loss of faith, particularly in the institution of the Catholic Church, but sometimes also in their god. Others felt fearful that they would go to Hell because of the criminal child abuse they experienced.

The parish priest of St Mary of the Angels Parish in Geelong, Fr Kevin Dillon, explained the complexity of a victim’s relationship with their spirituality. He told the Committee:

Over nearly 44 years of parish experience, a number of people have said to me, through bereavements, sickness and so on, ‘I don’t know how I could have done this without my faith’. Any number of people have said that to me, but an abuse victim cannot say that, because they lose their faith—for some people it is their faith in God, but certainly their faith in the institutional Church.³⁹

Psychologist Dr Joseph Poznanski similarly highlighted to the Inquiry the significant implications that criminal child abuse by religious personnel can have on the spirituality of victims—as children, and into adulthood:

Clergy abuse not only attenuates individuals’ psychological capacity to cope with demands of everyday living but it also attenuates the victim’s spiritual beliefs and their sense of belonging to family, the Church and the local community. This loss of spiritual beliefs and the loss of one’s sense of belonging is yet another factor that keeps victims away from their families, church and the local community.⁴⁰

Victim advocacy groups also emphasised the spiritual dimension and impacts of being abused by a minister of religion. For example, Mr Mark Fabbro, who is a victim

37 D. Farrell & M. Taylor (2000) ‘Silenced by God—An examination of unique characteristics within sexual abuse by clergy’. *Counselling Psychology Review*, Vol. 15, No. 1, pp. 22–31.

38 *Transcript of evidence*, Broken Rites (Australia) Collective Inc., Melbourne, 9 November 2012, p. 13.

39 *Transcript of evidence*, Father Kevin Dillon, Geelong, 15 February 2013, p. 3.

40 *Transcript of evidence*, Dr Joseph Poznanski, Melbourne, 1 March 2013, p. 2.

of child abuse and also the contact person for the Melbourne area chapter of the Survivors Network of those Abused by Priests (SNAP), explained there is an:

... additional impact of spiritual abuse and associated spiritual trauma when abused by a figure purporting to be the representative of God on earth. It adds a whole other dimension to the impact and the damage.⁴¹

Mr Peter Komiazyk explained to the Inquiry that:

My beliefs, by the Catholic Church, have been shattered. I do not believe in God or the Church, the bible and all of those that I have come across in my life: Salvation Army, Careforce and other organisations. I have stated from the start that: do not preach the bible to me or any verses from the bible, and we will get along just fine, that way we can become friends—nothing to do with Christianity.⁴²

Another victim said ‘It has caused me to lose faith in the Church as a fundamental religious base and in the sanctity of family. It has caused me to develop a healthy disrespect for authority.’⁴³

Research findings suggest that many victims of clerical sexual child abuse experience adverse impacts on their faith and spirituality.⁴⁴ Furthermore, researchers have identified that criminal child abuse by a trusted religious figure can destroy a child’s belief that the world is a safe place and makes the world seem chaotic and unstructured.⁴⁵

Impact of lack of records—past institutions

The Committee heard evidence from representatives of Records and Information Management Professionals Australasia (RIMPA). It explained that it had conducted a survey of the experiences of care leavers in accessing their records since 2004. It found that 70 per cent of those who participated in the survey believed that they did not get their records in full. It explained that:

- Only 10 per cent believed they did receive their records in full.
- More than 65 per cent of respondents were disappointed with the level of detail in the records received.
- 30 per cent were frustrated with the level of censorship.
- 50 per cent reported mistakes and inaccuracies, with 8 per cent stating that the records were not actually about themselves.
- 40 per cent of the respondents were angry with the way the events were interpreted.
- Another 40 per cent said the information was not truthful.
- 25 per cent required counselling after receiving their records.⁴⁶

From its survey results, RIMPA explained to the Inquiry that it concluded:

41 *Transcript of evidence*, Survivors Network of those Abused by Priests (SNAP), Melbourne, 26 November 2012, p. 14.

42 *Transcript of evidence*, Mr Peter Komiazyk, Melbourne, 1 March 2013, p. 2.

43 *Submission S465*, Name withheld.

44 D. Farrell & M. Taylor (2000) ‘Silenced by God—An examination of unique characteristics within sexual abuse by clergy’; S.J. Rosetti (1995) ‘The impact of child sexual abuse on attitudes towards God and the Catholic Church’. *Child Abuse and Neglect*, Vol. 19, No. 12, pp. 1469–81.

45 D.A. Wolfe, P.G. Jaffe, J.L. Jette et al. (2001) ‘Child Abuse in Community Institutions and Organizations: Improving Public and Professional Understanding’.

46 *Transcript of evidence*, Records & Information Management Professionals Australasia, Melbourne, 5 April 2013, p. 5.

These results provide a clear example of the continuing detrimental effects of poor records management of institutional care providers. They also suggest that little has changed since 2004, detailing the obstacles to accessing records and the emotional trauma experienced by care leavers and their frustrated attempts at piecing together the facts of their lives and identities.⁴⁷

In regard to the more specific impacts of not having access to records, the Committee heard from RIMPA about the value of the records to those who responded to its survey and the importance of having them. For example, the following comments were made:

I know who I really am and where I have come from.

My mother's letters that were sent to me, that I was never allowed to read, were in my file. They tell a story that I have not been able to understand for most of my life.

I am no longer a member within a system that did not care that I was a human. I would like to know the reasons why.⁴⁸

In response to questions about the experience people had in attempting to access their records, RIMPA advised that the following explanations were provided by care leavers:

We never got anything.

The DHS [Department of Human Services] person contacted me by phone and said they found the folder with my name on it but nothing inside it. It took three months after I applied.

I have tried to apply for my files three times and on one occasion the Uniting Church told me that there were so many old files to go through and they wouldn't go through them.

I tried to get more information but was denied access by the FOI [freedom of information].⁴⁹

The care leavers also described the impact of not having access to their records or where records were incomplete or inaccurate. They said that they had feelings of disconnectedness, abandonment and betrayal when denied full and accurate records of the time they were in care. RIMPA heard a range of feelings from those who participated in the survey:

The blacking out of information in my records left me wondering about what and why, causing me to have no way of knowing the truth and leaving me feeling hopeless and sad.

It's as though I was invisible to the governments of Victoria and the Mercy nuns for 13 years.

... a lost soul looking for a paper trail ...

I didn't get all the facts about my past. I was put in a mental ward with adults as a 12-year-old. Caulfield convalescent and two others. Men sexually touched me and I was suicidal. None of this was in my records. None of my health records provided rheumatic fever, arthritis and most probably from sleeping in wet beds as a part of my institutional abuse.⁵⁰

47 *Transcript of evidence*, Records & Information Management Professionals Australasia, p. 5.

48 *Transcript of evidence*, Records & Information Management Professionals Australasia, p. 5.

49 *Transcript of evidence*, Records & Information Management Professionals Australasia, p. 5.

50 *Transcript of evidence*, Records & Information Management Professionals Australasia, p. 5.

In addition to the survey questions detailed, care leavers were also asked to provide their opinions on potential courses of action to resolve the issues they continue to face when accessing their records. RIMPA provided the Inquiry with examples that conveyed the level of frustration, outrage and erosion of trust in the transparency and accountability of care provider institutions. This resulted from the inability of care leavers to access their records when they need to rely on them. One example stated a desire:

For government and past providers to be honest and do not block out any information. It is our information not the government's or past providers'. Also give original photos, letters and envelopes—not copies! I firmly believe that all information on holiday hosts, foster families, names should be given as these people were adults, and they knew what they were doing in taking a child from an orphanage and in foster parents getting paid to do so. Their names should be released. I also would like to know who, when and where has had access to my family—the names of DHS workers who had access to my state ward files. I want Australia to commit to the UN rights of the child that state governments have an obligation to provide a child with identity.⁵¹

Another care leaver explained their experience:

DHS needs to be open and honest, to speak up if our records have been destroyed or if accessed by other family members. It's cruel to leave us thinking they are still there somewhere. DHS needs to contact us and not wait for us to apply for access. Just send the files to Care Leavers—even DHS need closure on historical files.⁵²

The Committee noted that recent audits and investigations by the Victorian Auditor-General's Office and Ombudsman Victoria have highlighted issues relating to the ability of care leavers to access their records.⁵³

4.2.2. Mental health issues

The Committee heard from large numbers of victims regarding the impact of criminal child abuse on their mental health. Many indicated that they live with the trauma daily. A substantial portion of victims revealed they had been diagnosed with post-traumatic stress disorder (PTSD). Furthermore, many victims told the Inquiry they had experienced suicidal thoughts and some had made an attempt to end their life.

As a victim himself, Dr Tom Keating gave his perspective on the mental health impacts of criminal child abuse:

The effects become a part of the person; they cannot be compartmentalised and put to one side, and they are not amenable to rational persuasion. However much you can say to someone, 'You are successful, there is this which is good in your life; this is positive', it is very hard to persuade someone who believes, quite fundamentally, that they are worthless that that is the case.⁵⁴

He further outlined the effects of the criminal child abuse:

... is most commonly experienced as an overwhelming sense of personal worthlessness

51 *Transcript of evidence*, Records & Information Management Professionals Australasia, p. 5.

52 *Transcript of evidence*, Records & Information Management Professionals Australasia, p. 5.

53 Ombudsman Victoria (2012) *Investigation into the storage and management of ward records by the Department of Human Services*. P.P. No. 109, March 2012; Victorian Auditor-General's Report (2012) *Freedom of Information*. Melbourne, VAGO.

54 *Transcript of evidence*, Dr Tom Keating, p. 2.

that is recurrent, debilitating and persistent throughout a lifetime. It is frequently accompanied by post-traumatic stress, which involves relived experience, intense anxiety attacks and soul-destroying depression. Pre-pubescent and early pubescent boys, typically between the ages of 10 to 13, are particularly vulnerable. This, of course, is the group which is most commonly targeted by clerical predators.⁵⁵

He told the Inquiry of the impacts on him personally as a victim of criminal child abuse:

You do not recover from childhood rape; you try to find some way to live with it, and often you fail. I have experienced post-traumatic stress for all of my life.⁵⁶

Dr Poznanski explained the complexities of the mental health issues victims often experience to the Inquiry:

A large proportion of my clients suffer a condition known as complex post-traumatic stress disorder. One of its critical symptoms, if left untreated—as is the case most times—is the loss of core beliefs that previously sustained the individual. These beliefs refer to a person’s fundamental values that are instilled during one’s social development within a family environment, and these beliefs usually relate to faith, moral and cultural values.⁵⁷

Research similarly suggests that acute and chronic mental illness is a common consequence arising from criminal child abuse. Adult survivors of child sexual abuse have been shown to have a lifetime risk of developing major depression that is four times greater than the risk of those who have not experienced abuse.⁵⁸ In addition, links have been consistently demonstrated between child abuse and neglect and conditions such as PTSD, depression and anxiety.⁵⁹

Mental health issues, including depression and PTSD, have been linked to high rates of suicide and attempted suicide for people who have experienced criminal child abuse. Research has found that suicide attempts and suicidal thoughts are common among people who have been abused. One study identified that rates of attempted suicide are 12 times higher for people who have experienced abuse than for those who have not.⁶⁰

The Committee heard several tragic accounts where the pain of living with their experience of criminal child abuse was too much for victims to bear and they ultimately took their lives. It also heard of many who had contemplated suicide and continually struggle with suicidal thoughts. For example, Ms Jessie Turner-Booth explained that:

I have not attempted to kill myself recently but the thought is constantly with me. I loathe myself, I can’t stand to look at myself in the mirror.⁶¹

55 *Transcript of evidence*, Dr Tom Keating, p. 2.

56 *Transcript of evidence*, Dr Tom Keating, p. 2.

57 *Transcript of evidence*, Dr Joseph Poznanski, p. 2.

58 J.N. Briere & D.M. Elliott (1994) ‘Immediate and long-term impacts of child sexual abuse’. *The future of children*, Vol. 4, No. 2, pp. 54-69; J. Cashmore & R. Shackel (2013) *The long term effects of child sexual abuse Child Family Community Australia, Paper No. 11*. Melbourne, Australian Institute of Family Studies.

59 K. Harkness & M. Lumley (2008) ‘Child abuse and neglect and the development of depression in children and adolescents’. In Abela, J. & Hankin, B. (Eds.), *Handbook of depression in children and adolescents*. New York, The Guildford Press; P. Parkinson (2003) *Child sexual abuse and the churches*; D. Higgins (2004) ‘Differentiating between child maltreatment experiences’. *Family Matters*, Vol. 69, pp. 50-55; R. Gilbert, C. Spatz Widom, K. Browne et al. (2009) ‘Burden and consequences of child maltreatment in high-income countries’. *The Lancet*, Vol. 373, No. 9657, pp. 68-81.

60 A. Lamont (2010) *Effects of child abuse and neglect for adult survivors. NCPC Resource Sheet*.

61 *Submission S335*, Mrs Jessie Turner-Booth, p. 4.

4.2.3. Guilt and shame

Victims were consistent in expressing that they experienced feelings of guilt, shame and embarrassment regarding the abuse they were subjected to. One victim, Mr Manny Waks, told the Inquiry that ‘I had been living with guilt, shame, pain and a profound sense of disempowerment.’⁶² Mr Andrew Collins similarly explained that:

I hit rock bottom. Severe depression set in ... I had a fear of disclosing what happened to me to others. Would they think I was gay, weak or a liar? Would I become a social outcast? There was my family to deal with—what they would think?—the shame that I felt and what I call the Catholic guilt.⁶³

The Committee also heard from Mr Max Johnson who stated:

I have been that ashamed of myself over the years that I could not tell [my son]. How do you sit down with your son and tell him what happened to you when you were in orphanages and that? You can't. It just rips you to pieces.⁶⁴

A research study by a team of researchers in the United States about men who were abused by Catholic clergy explained that participants in the study ‘reported feeling an immediate burden of shame ... the men recalled intense feelings of shame during and after the abuse, including irrational and deep pervasive guilt for the abuse.’⁶⁵

Feelings of shame, guilt and self-blame which are commonly expressed by victims of child sexual abuse have also been linked in research studies to the high rates of suicide and attempted suicide in child sex abuse victims.⁶⁶

4.2.4. Relationship difficulties

The experience of criminal child abuse often has significant implications on a victim's capacity to trust and to be intimate with others. This affects their ability to develop and maintain relationships with others such as partners, friends, colleagues and their children. Some victims who have married or partnered have experienced relationship breakdown as a consequence of their difficulties in being intimate or trusting others.

Social isolation was emphasised by many, such as one person who said:

I have been cynical against most people in power most of my life. I second guess everyone, I'll question you three times, watch everything you do and try to assess in my mind whether you're really legit. I have a lack of trust for a lot of people, you know.⁶⁷

In his hearing evidence, Mr Kevin Houlihan stated that:

Though I have only ever been in one long-term relationship, I have generally been unable to form and maintain intimate relationships ... I do not have many friends and tend to keep mainly to myself.⁶⁸

62 *Transcript of evidence*, Mr Manny Waks, Melbourne, 10 December 2012, p. 8.

63 *Transcript of evidence*, Mr Andrew Collins, p. 11.

64 *Transcript of evidence*, Mr Max Johnson, Geelong, 15 February 2013, p. 3.

65 P.J. Isely, P. Isely, J. Freiburger et al. (2008) ‘In their own voices: A qualitative study of men abused as children by Catholic clergy’. *Journal of Child Sexual Abuse*, Vol. 17, No. 3–4, pp. 201–15, p. 206.

66 B. Brodsky & B. Stanley (2008) ‘Adverse childhood experiences and suicidal behavior’. *Psychiatric Clinics of North America*, Vol. 31, No. 2, pp. 223–35; M. Cutajar, P. Mullen, J. Ogloff et al. (2010) ‘Suicide and fatal drug overdose in child sexual abuse victims: a history cohort study’. *The Medical Journal of Australia*, Vol. 192, No. 4, pp. 184–87; D. Fergusson, J. Boden, & J. Horwood (2008) ‘Exposure to childhood sexual and physical abuse and adjustment in early adulthood’. *Child abuse and neglect*, Vol. 32, No. 6, pp. 607–19.

67 *Submission S481*, Name withheld.

68 *Transcript of evidence*, Mr Kevin Houlihan, Melbourne, 15 March 2013, p. 4.

Mr Raymond D’Brass also told of the effects on his interactions with others, noting that ‘I have avoided close relationships throughout my life because I have believed that my behavioural issues would only bring my loved ones down with me. I saw myself as poison.’⁶⁹ Uncle Howard Edwards explained that for him:

I have never had long relationships with women. I have three children by three different wives, and I have been in and out of relationships for most of my life. It is all part of the institutional upbringing and the molesting.⁷⁰

Developing and maintaining relationships is a common problem for criminal child abuse victims, as one research study outlined:

Immediate difficulties with trust were also pervasive during childhood for most victims after their initial abuse experience. The severe betrayal of trust by the perpetrator combined with the belief that they would not be believed produced noteworthy changes in social functioning, including increased periods of isolation from others and few friendships.⁷¹

Other research shows links between physical and sexual abuse and depression, and difficulties interacting with peers that can result in social isolation.⁷²

Victims also described the impacts of criminal child abuse on their role as parents, including an inability to be affectionate towards their own children. For example, Mr Paul Tatchell explained that:

I do not cuddle my kids. They are old now; the oldest one is in his 30s, and I do not go near them. I have never kissed one of my children, because there is something in me that says the day you do that, you break down. You are no longer the strength, because you need to have that strength to go on.⁷³

Ms Mairead Ashcroft also told the Committee of the impacts on her interactions with her children:

Because I was an abused child, I believed that I would grow up to be an abuser myself. It was in all the movies, it was in media ... When my children were small, I would wear rubber gloves to change their nappies—not to keep the poo off my hands, but so that my skin would not touch their skin. That is a dreadful thing.⁷⁴

Another victim explained that ‘I have been accused of being an unfit parent because of my past abuse.’⁷⁵

Emerging research indicates that men who were sexually abused as children can face difficulties if they become fathers. These include often unfounded fears that they may abuse their own children and problems with physical displays of affection and

69 *Transcript of evidence*, Mr Raymond D’Brass, Melbourne, 4 March 2013, pp. 2–3.

70 *Transcript of evidence*, Connecting Home, Melbourne, 18 March 2013, p. 7.

71 P.J. Isely, P. Isely, J. Freiburger et al. (2008) ‘In their own voices: A qualitative study of men abused as children by Catholic clergy’, p. 206.

72 A. Lamont (2010) *Effects of child abuse and neglect for adult survivors. NCPC Resource Sheet*; M. Merrick, A. Litrownik, M. Everson et al. (2008) ‘Beyond sexual abuse: The impact of other maltreatment experience on sexualized behaviours’. *Child maltreatment*, Vol. 13, No. 2, pp. 122–32.

73 *Transcript of evidence*, Mr Paul Tatchell, p. 15.

74 *Transcript of evidence*, Ms Mairead Ashcroft, Melbourne, 23 November 2012, p. 3.

75 *Transcript of evidence*, Mr Raymond D’Brass, p. 5.

intimacy with their children. Some victims, particularly men, also report that they are often overprotective towards their children.⁷⁶

4.2.5. Addiction

For a large number of victims, addictive behaviour has been a key strategy to assist in numbing the pain associated with their childhood abuse. Many told the Committee that they have had a past and/or ongoing issue with their alcohol use, and some found solace in gambling and other addictive behaviours.

The majority of victims who gave evidence to the Inquiry explained they had experienced addiction issues specifically with alcohol. Mr Chris Pianto said that:

The abuse had a huge impact on my life since then, and it is only in the last decade or so of my life that I have been able to cope without so much alcohol in my system.⁷⁷

Another victim explained a similar relationship with alcohol and other addictive behaviours:

As a young man I tried to live my life and move on from this traumatic childhood. I knew that I was not coping. At age 35 I was and still am an alcoholic through binge drinking. I am a problem gambler.⁷⁸

Ms Ashcroft explained to the Committee that ‘I actually started drinking when I was 12. That was my method of coping.’⁷⁹ Mr Peter Blenkiron also used alcohol to cope with the impacts of the abuse, stating that ‘I would go out and obliterate the emotion with drink. And I would do anything I could to get away from those feelings.’⁸⁰

The Committee heard that there are high costs associated with addiction. Mr Hugh McGowan explained that ‘I have suffered from alcohol abuse and as a result my health isn’t the way that it should be.’⁸¹ Another victim told the Committee that:

I have been up before the court several times myself for drink driving. I’ve never stolen or done anything else, but I’ve always been drinking and in trouble.

Yes, you just try to block it out.⁸²

In his submission, Mr Lewis McCabe explained the costs of addiction, stating that:

I am now 51 years old and have not reached my potential. Indeed I am an alcoholic, in ill health, live alone and continue suffering from the trauma brought on by my treatment in the Bayswater Boys’ Home. I experience panic attacks, anxiety and depression and am addicted to alcohol and other substances.⁸³

Some victims told the Inquiry that they were introduced to alcohol, tobacco or other drugs by the perpetrator as part of the grooming process. Chapter 22 of Part G discusses the grooming process in further detail. The costs of addiction contribute to the broader social and economic costs of criminal child abuse in non-government organisations, which is discussed in Section 4.5.

76 R. Price-Robertson (2012) ‘Fathers with a history of child sexual abuse: New findings for policy and practice. Child Family Community paper number 6’. *Australian Institute of Family Studies*.

77 *Transcript of evidence*, Mr Chris Pianto, Geelong, 15 February 2013, p. 2.

78 *Submission S477*, Name withheld.

79 *Transcript of evidence*, Ms Mairead Ashcroft, p. 6.

80 *Transcript of evidence*, Ballarat & District Group, p. 16.

81 *Transcript of evidence*, Mr Hugh McGowan, Melbourne, 4 February 2013, p. 6.

82 *Submission S481*, Name withheld.

83 *Submission S196*, Mr Lewis McCabe, pp. 1–2.

Expert witnesses supported the evidence the Committee heard from victims. For example, Associate Professor Judith Cashmore from Sydney University stated that:

The way in which men often tend to cope with these issues, their method of coping, is by using drugs and alcohol. That is a very common method, and it is a sort of self-medication, a means of dampening the hyperarousal of anxiety that goes with the consequences of abuse.⁸⁴

Research evidence also indicates that all types of child maltreatment are significantly related to higher levels of substance use (tobacco, alcohol and illicit drugs).⁸⁵ Consistent with the evidence provided by Associate Professor Cashmore, studies have suggested that chronic stress associated with childhood trauma can contribute to victims self-medicating through the use of alcohol and other drugs, including smoking.⁸⁶

4.2.6. Issues with anger

The Committee heard that some victims had struggled to cope with their emotions, in particular intense feelings of anger.

One victim explained how this had impacted on his employment:

This was the kind of behaviour that dogged me for most of my working life. I was seen to be aggressive and uncooperative. I was often referred to as the angry ant. While I was very good at whatever my job was, my relationships with colleagues were mostly strained.⁸⁷

Mr Tim Lane said that ‘as I got older, the anger started to come’ and that ‘I was very angry, had fits of rage and still do, but not as badly.’⁸⁸

Mr Wayne Davis told the Committee that:

I became an extremely violent person. I was absolutely certain no-one was going to stand over and beat me up again ...

Thankfully I do not do that sort of thing now.⁸⁹

He also explained that he was aware of other men with similar tendencies, noting that ‘they were exactly the same as me—very, very angry and violent. You would do anything. You became fearless. Nothing else could hurt you that bad.’⁹⁰

A parent explained how ‘the abuse haunted [my son], which gave him terrible mood swings which brought out violence and bad tantrums, screaming and throwing things.’⁹¹ Another parent, Mrs Helen Watson, watched her son go through a similar experience:

Peter was an intelligent, gentle, fun-loving, beautiful soul who was respected by all

84 *Transcript of evidence*, Dr Judith Cashmore, Faculty of Law, University of Sydney, Melbourne, 12 April 2013, p. 5.

85 P. Moran, S. Vuchinich, & N. Hall (2004) ‘Associations between types of maltreatment and substance use during adolescence’. *Child Abuse & Neglect*, Vol. 28, No. 5, pp. 565–74.

86 P. Moran, S. Vuchinich, & N. Hall (2004) ‘Associations between types of maltreatment and substance use during adolescence’.

87 *Submission S094*, Mr Hugh McGowan, p. 4.

88 *Transcript of evidence*, Mr Tim Lane, p. 2.

89 *Transcript of evidence*, Mr Wayne Davis, p. 5.

90 *Transcript of evidence*, Mr Wayne Davis, p. 6.

91 *Submission S179*, Name withheld, p. 2.

who knew him. His tragic journey following the sexual abuse started with escalating antisocial behaviours. He felt worthless, lacked motivation, had low self-esteem with bouts of depression ...

Peter's life spiralled out of control.⁹²

Research suggests there are associations between criminal child abuse and behavioural problems in childhood and adolescence. These tendencies can manifest in shyness, withdrawal or aggressive and impulsive behaviours.⁹³

4.2.7. Sexual intimacy and development

A theme in the evidence related to the impact of child sexual abuse on the emerging sexual development of young people and their experience of sexual intimacy in later life.

The Committee noted that this is a sensitive area for any person to discuss. It heard that some victims of criminal child abuse develop difficulties with sexual intimacy and can also experience confusion regarding their sexual identity.

One victim explained to the Inquiry that:

I struggle to enjoy kissing my wife ... That took my innocence away, and that never came back. I will go into how a victim feels there, sexually, the whole works. We have had huge problems. We have been to psychologists.⁹⁴

In his submission, Mr Arthur O'Bryan similarly stated that the sexual abuse he experienced as a child 'contributed significantly to a lack of intimacy with my wife that eventually led to our divorce.'⁹⁵

Other victims spoke of confusion relating to their sexual identity. For example, Mr Paul Brockhoff said that 'Every moment of my adolescence I thought I was homosexual and I was so desperately unhappy about it. Because I didn't want to be.'⁹⁶

Expert evidence provided to the Committee supported the experiences of victims. For example, Associate Professor Cashmore explained that:

Males are socialised in our society to be self-reliant and independent and to have some pride around sexual prowess. In terms of sexual abuse by a male—and that is what we are talking about here—then you are bringing in an overlay of homosexuality and a real confusion for these young boys as to 'What does this mean? Does this mean I am gay? Does it mean I am going to become homosexual?'⁹⁷

She went on to advise the Inquiry that:

There is research that is indicating that abuse in early adolescence can be particularly problematic because that is the time of developing sexual identity, those trusting relationships, and so on. What sexual abuse does is disrupt the trusting relationships and disrupt that early developing sexual identity.⁹⁸

Other research studies indicate that criminal child sexual abuse can influence sexual development. Researchers have attributed the damaging impact of sexual abuse to

92 *Transcript of evidence*, Ms Helen Watson, Ballarat, 7 December 2012, p. 2.

93 A. Lamont (2010) *Effects of child abuse and neglect for adult survivors*. NCPC resource sheet.

94 *Submission S478*, Name withheld.

95 *Submission S254*, Mr Arthur O'Bryan, pp. 1–2.

96 *Submission S392*, Mr Paul Brockhoff, p. 3.

97 *Transcript of evidence*, Dr Judith Cashmore, pp. 4–5.

98 *Transcript of evidence*, Dr Judith Cashmore, pp. 5–6.

the way in which it ‘undermines the victims’ trust, sense of self, sexual identity, and social and cognitive development.’⁹⁹

4.2.8. Issues with authority

Several victims told the Inquiry that they had developed problems with authority following their experience of criminal child abuse. For example, Mr Johnson told the Committee that:

It has made me hate authority from being in these homes. I got that many bashings and floggings that I took up professional fighting when I got out of the homes, to protect myself. I do not even let police push me or anybody.¹⁰⁰

Another victim explained that ‘I am always nervous around people in authority and am especially suspicious of powerful men.’¹⁰¹

Mr Joseph Saric reiterated these points, explaining that:

One of the problems you have when you get abused as a child is that you get very anti-authority. You get very paranoid, and I still suffer from that today. Consequently, trust for authority drops right off ... I will be honest with you that I would be quite comfortable in going back and talking to the police now. I was not comfortable before.¹⁰²

The father of a victim also observed his son’s ambivalence towards authority, telling the Inquiry that ‘There was always somebody he could not get along with—always. Authority—he could not handle it; he just could not handle authority.’¹⁰³

Research supports the evidence heard by the Committee, demonstrating that children’s confidence in authority can be damaged if they feel that trusted people are not interested in their circumstances or might not appear capable of protecting a victim from harm.¹⁰⁴ These authority figures include police officers, therapists, teachers and social workers.

4.2.9. Life skills, education and employment

Poor life skills as a consequence of the criminal abuse they suffered as a child was a common theme in the evidence from victims. For some, the greatest impact was on their education, while others felt their social skills were affected due to low self-esteem and a lack of confidence. A number of victims indicated that they had not achieved what they had hoped to in their employment or life more generally.

In his submission, Mr James Fitzpatrick told the Committee that:

I remember before all of this happened, that I was good at school and was getting good grades. Then suddenly my grades got worse. I was so angry and confused about what had happened, I just gave up on school and was acting out ...

99 A. Lamont (2010) *Effects of child abuse and neglect for adult survivors*. NCPC Resource Sheet; M. Merrick, A. Litrownik, M. Everson et al. (2008) ‘Beyond sexual abuse: The impact of other maltreatment experience on sexualized behaviours’.

100 *Transcript of evidence*, Mr Max Johnson, p. 3.

101 *Submission S268C*, Name withheld, p. 3.

102 *Transcript of evidence*, Mr Joseph Saric, Geelong, 15 February 2013, p. 8.

103 *Submission S475*, Name withheld.

104 For example, see K. Kendall-Tackett, L. M. Williams, & D. Finkelhor (1993) ‘Impacts of sexual abuse on children: A review and synthesis of recent empirical studies’. *Psychological Bulletin*, Vol. 113, No. 1, pp. 164–80. P. Parkinson (2003) *Child sexual abuse and the churches*.

I recall suffering at school, feeling alienated. Throughout my schooling my grades were dropping and I was getting picked on all the time.¹⁰⁵

Another victim explained to the Inquiry that he had no literacy skills as a result of his experience in institutions, commenting that ‘I never learnt to read and write when I went through all these homes, so I can’t read or write at all.’¹⁰⁶ He went on to explain that:

It would be very good to learn to read and write, to feel I could pick up a book and read it, or something. I get a letter. I do not even give my son the letters to read because he does not realise that I cannot read or write—I take it to my brother’s or my friend’s place and get them to read what it is.¹⁰⁷

These negative experiences in school often extended into experiences of employment. Mr Tony Hamilton, for example, stated that ‘I had a history of sabotaging employment success so was not well paid.’¹⁰⁸ Mr Fitzpatrick also said that:

I have had good jobs and lost them, either due to the alcohol or going off at authority figures or people who would upset me. I often doubt myself, feel like I am on the outer. Often feeling like I am not worthy of good things, of happiness. I think that when things are going well, then I may self-sabotage and things start to unravel.¹⁰⁹

A further example was provided by Mr Alister McKeich from Connecting Home on behalf of Uncle Howard Edward who explained that he was lauded as:

... a 10 year old boy as being ‘the best scholar, the best sportsman, the most popular boy in grade 4 and the natural choice as leader of his class.’ However, by 16 years of age Howard was in and out of Turana youth centre and not long after spent time in Pentridge prison. It is not difficult to see how the effects of abuse while institutionalised greatly contributed to Howard’s transition from a boy of such great potential to someone who, as an adult, would remain in and out of prison and suffer from alcohol and drug related issues for many years.¹¹⁰

4.3. Impacts on families and secondary victims

The impacts of criminal child abuse can extend well beyond the experiences of the individual victims. Families and other supporters of victims of child abuse in non-government organisations can be significantly impacted by the knowledge of the abuse of someone they care deeply for.

Mr Waks explained to the Committee that ‘People often think about the toll on the victims, but there is an incredible toll that the victims’ families also have to pay, often unacknowledged and in complete silence.’¹¹²

Secondary victims—in the context of abuse that occurred outside the family, secondary victims include family members, partners, friends and children of victims/ survivors who are affected by a victim’s maltreatment and its aftermath.¹¹¹

105 *Submission S369*, Mr James Fitzpatrick, pp. 3–4.

106 *Transcript of evidence*, Mr Max Johnson, p. 2.

107 *Transcript of evidence*, Mr Max Johnson, p. 4.

108 *Submission S149*, Mr Tony Hamilton, p. 2.

109 *Submission S369*, Mr James Fitzpatrick, p. 4.

110 *Transcript of evidence*, Connecting Home, Melbourne, 18 March 2013, p.2

111 Z. Morrison, A. Quadara, & C. Boyd (2007) *‘Ripple effects’ of sexual assault*. Melbourne, Australian Centre for the Study of Sexual Assault.

112 *Transcript of evidence*, Mr Manny Waks, p. 9.

The Committee heard of numerous impacts on families following the disclosure of criminal child abuse experienced by a family member. For example, Mr Pianto explained the effects on his mother:

My mum suffered also. Mum was an advocate for victims, and due to my suicidal tendencies and the lack of empathy and acknowledgement from the Christian Brothers, which she pursued vigorously, she suffered anxiety, high blood pressure, shingles, lockjaw and depression. Mum had to have a dental plate inserted in her mouth at night to stop her grinding her teeth in bed.¹¹³

Parents told the Inquiry of feelings of profound guilt that they could not protect their child. Victims of criminal child abuse on occasions blamed their parents for not protecting them. Some families have been fragmented and damaged as a consequence of the abuse a family member has experienced.

A mother explained the extent of the impact on their family of criminal child abuse that occurred in a non-government organisation:

My son told me he had been molested ... and he said, 'My first sexual experience was with a Brother'. He does not talk to us now because he said I did not protect him. He said, 'You made me go to school. You did not protect me. I want nothing to do with you or the family'. So I do not see him. I have not seen him for 15 years, but I do see a lot of the other four. The whole family has been broken down because of this Church abuse—school abuse.¹¹⁴

Another family had a similar experience, telling the Inquiry:

He was angry particularly with us because he thought we did not protect him. We sent him to a Catholic school where he was abused by this person or people ... He was so angry with us at one stage that he even wrote us an email repudiating our parenthood. That was a bit rough, that one, and it was very hard to take.¹¹⁵

Parents described feelings of intense guilt, with one mother of a victim explaining that:

They were abused for about 18 months before we knew, and then they would go to school and get abused again and we did not know until later. I still feel the guilt that I did not know about it, and I should have, being a good mother. I should have been a better mother.¹¹⁶

The sister of multiple victims, Mrs Anne Murray, gave the Committee her perspective of her parents' reaction:

Dad developed hypertension and distress, feeling like he had not protected his children ... Dad's spirituality declined as he saw the vicious beatings and the effect that the behaviour of the clergy had on his children. Mum developed polymyalgia, an autoimmune deficiency disease, as a response to the stress.¹¹⁷

Parents are not the only family members negatively affected by criminal child abuse, siblings are also secondary victims. For example, the father of a victim said that 'It was difficult for him to get on with his own siblings, very difficult. He was prickly, he was angry. He would always take offence at anything.'¹¹⁸ Another sibling of a victim

113 *Transcript of evidence*, Mr Chris Pianto, p. 2.

114 *Submission S466*, Name withheld.

115 *Submission S475*, Name withheld.

116 *Submission S482*, Name withheld.

117 *Transcript of evidence*, Ms Anne Murray, p. 10.

118 *Submission S475*, Name withheld.

explained how distressing she felt seeing the lives of her sisters unravel from the impacts of criminal child abuse. Ms Aimee Foster told the Committee:

I had an amazing childhood with two awesome, gorgeous older sisters, who I looked up to completely. I have suffered absolute heart loss and heartbreak from seeing their lives fall apart. I cannot describe to you the weight of the pain I have felt.¹¹⁹

These experiences of the families of victims of criminal child abuse in organisations are consistent with research findings. For example, one study explored how families adapt to crisis and found that:

All traumas have the power to put stress on the family system, interrupt routines, require abrupt changes, and create anxiety. Based on systemic theory, following traumatic exposure all members of the family undergo some level of change ... Communication patterns, role relationships, expectations for behavior, trust that others will meet one another's needs, and flexibility in tolerating differing individual needs can be impacted in a crisis. The traumatic experience, such as child sexual abuse, reverberates throughout the family system.¹²⁰

Other research has identified that responses of family members to criminal abuse of a family member in childhood can include shock, helplessness, anger and guilt which can very closely resemble that of the primary victim.¹²¹ In instances in which 'family members ... experience a range of symptoms similar to those of the direct victims, [this is] a pattern often referred to as *secondary trauma*.'¹²²

Finding 4.3

There are frequently significant effects on the families of victims criminally abused by personnel in organisations, including the fragmentation of families and the intense guilt felt by parents at not having protected their child.

4.4. Impacts on communities

The Committee heard that the impacts of criminal child abuse in non-government organisations goes well beyond individuals and families and deep into local communities. This includes religious, schooling and sporting communities. The majority of evidence received by the Committee related to local religious communities, particularly in the Catholic Church.

In relation to the Ballarat community, victims' advocate, Ms Judy Courtin, told the Inquiry that:

Tragically the people of this community know all too well of the totally unacceptable number of suicides and premature deaths relating to the decades of Catholic clergy sex crimes in this region of Ballarat.¹²³

119 *Transcript of evidence*, Ms Aimee Foster, Melbourne, 23 November 2012, p. 19.

120 L.H. Wind, J.M. Sullivan, & D.J. Levins (2008) 'Survivors' perspectives on the impact of clergy sexual abuse on families of origin'. *Journal of Child Sexual Abuse*, Vol. 17, No. 3-4, pp. 238-54, p. 240.

121 D. Silverman (1978) 'Sharing the crisis of rape: Counselling the mates and families of victims'. *American Journal of Orthopsychiatry*, Vol. 48, No. 1, pp. 166-73. in Z. Morrison, A. Quadara, & C. Boyd (2007) '*Ripple Effects*' of sexual assault. See also L.H. Wind, J.M. Sullivan, & D.J. Levins (2008) 'Survivors' perspectives on the impact of clergy sexual abuse on families of origin', p. 240.

122 See also L.H. Wind, J.M. Sullivan, & D.J. Levins (2008) 'Survivors' perspectives on the impact of clergy sexual abuse on families of origin', p. 240.

123 *Transcript of evidence*, Ms Judith Courtin, p. 4.

Also from Ballarat, local community member Ms Carmel Moloney spoke of the ‘members of their community suffering deep distress.’¹²⁴ Another victim told the Committee that criminal child abuse ‘is devastating the Catholic community. I know parishioners who are devastated by their reaction.’¹²⁵

Witnesses in other parts of Victoria spoke of the damage such extensive abuse by religious personnel has caused, with one Inquiry participant noting ‘that the impact on the community of my experience ... has meant that that community is very, very damaged and that church community is really damaged.’¹²⁶

The Committee heard about divisions that had emerged in communities as a consequence of disclosure of criminal child abuse, particularly in religious organisations. For example, one family explained that:

The Church just closes ranks around itself, but also the Catholic community does in lots of ways. We’ve lost friends ... because we know their children were abused, but they’ve done nothing about it.¹²⁷

Ms Nicky Davis from the Survivors Network of those Abused by Priests (SNAP) also explained the complexities of responses by church communities, stating that ‘Victims often complain of intimidation and ostracisation, not just by church officials but even by entire church communities.’¹²⁸ Similarly, In Good Faith and Associates stated that there is ‘a judgemental and hostile church community.’¹²⁹ Ms Ann Ryan explained her view that ‘more than anything, I still wonder at the silence of the Catholic community.’¹³⁰

The mother of a victim, Ms Sandra Clark, told the Inquiry that religious communities can be challenged when confronted with the issue of criminal child abuse. She stated that:

My husband’s uncle was a leading light at the Catholic organisation at Croydon. He knew all about this [alleged perpetrator], and when my husband asked his uncle to support us or to give us some evidence, anything, because it was horrific what was happening to me and to [my son], my husband’s uncle sided with the priest.¹³¹

After voicing her concerns about criminal child abuse, Ms Clark said ‘I have been absolutely ostracised in the districts surrounding where I live even now.’¹³²

Victims themselves highlighted to the Inquiry the importance of community healing. Mr Peter Blenkiron told the Committee that ‘Healing does not have to take place just for us survivors; it has to take place in the community as well.’¹³³

The Committee reviewed research relating to the impacts of criminal child abuse on communities. Some research indicates that such abuse, particularly by ministers of religion, can have severe and negative impacts on wider religious communities. This

124 *Transcript of evidence*, Ms Carmel Moloney, Ballarat, 7 December 2012, p. 2.

125 *Submission S454*, Name withheld.

126 *Submission S471*, Name withheld.

127 *Submission S451*, Name withheld.

128 *Transcript of evidence*, Survivors Network of those Abused by Priests (SNAP), p. 8.

129 *Transcript of evidence*, In Good Faith and Associates, Melbourne, 12 November 2012, p. 5.

130 *Transcript of evidence*, Ms Ann Ryan, Ballarat, 28 February 2013, p. 2.

131 *Transcript of evidence*, Ms Sandra Clark, Melbourne, 25 March 2013, p. 6.

132 *Transcript of evidence*, Ms Sandra Clark, p. 6.

133 *Transcript of evidence*, Ballarat & District Group, p. 5.

impact is compounded when perceptions emerge that the responses to criminal child abuse have been insensitive and unfair.¹³⁴ One study identified that:

In response to this ‘discovery’, participants described strong feelings of ‘disgust’ toward bishops and cardinals as well as a burden of personal shame. Many described their church as now ‘stained’ and ‘soiled’.¹³⁵

The research also identified that:

... for many, the rupture in the emotional connection to church leaders occurred in response to what participants perceived as the true motives behind church leaders’ improper decisions when confronted by the problem of clergy sexual abuse of minors.¹³⁶

The Committee identified there is considerable work to be undertaken by non-government organisations in rebuilding some communities and re-establishing trust. Some suggested a need for restorative justice in communities. For example, Ms Pam Krstic from In Good Faith and Associates explained that ‘Canada has some examples of restorative justice and models of how parishes can rebuild and regenerate.’¹³⁷

In its submission, Jesuit Social Services acknowledged there is a critical need to rebuild trust in the community. It stated that:

The trust of the community in religious and community organisations must be rebuilt if these organisations are to continue to carry out their missions. We firmly believe that trust and confidence will only be rebuilt when religious and other community organisations are fully transparent and allow themselves to be scrutinised by the public.¹³⁸

It went on to state that Jesuit Social Services hoped ‘that opening ourselves up to scrutiny will allow us to restore the trust and integrity that forms the basis of our relationship with the community’.¹³⁹

Finding 4.4

The impact on local communities of criminal child abuse in trusted organisations, particularly religious organisations, can be deep and divisive.

4.5. Impacts on society

The impacts of criminal child abuse that occurs in non-government organisations on individuals, families and communities have broader implications and costs for society.

As illustrated above, many victims of criminal child abuse experience problems that can place complex and significant demands on a range of government services and resources. This involves considerable costs to the community.¹⁴⁰

134 S.J. Rosetti (1995) ‘The impact of child sexual abuse on attitudes towards God and the Catholic Church’.

135 P.M. Kline, R. McMackin, & E. Lezotte (2008) ‘The impact of the clergy abuse scandal on parish communities’. *Journal of Child Sexual Abuse*, Vol. 17, No. 3–4, pp. 290–300, p. 294.

136 P.M. Kline, R. McMackin, & E. Lezotte (2008) ‘The impact of the clergy abuse scandal on parish communities’, p. 294.

137 *Transcript of evidence*, In Good Faith and Associates, p. 18.

138 *Submission S206*, Jesuit Social Services, p. 5.

139 *Submission S206*, Jesuit Social Services, p. 2.

140 *Transcript of evidence*, Professor Chris Goddard, Child Abuse Prevention Research Australia, Monash University, Melbourne, 19 October 2012, p. 5.

Similarly, the difficulties faced by primary and secondary victims often reduce their participation in education and employment and can reduce their capacity to engage in other activities, such as volunteer work, education and political participation. Connected with this reduced participation is the potential loss of productivity in Victoria.

Comparatively little work has been done to measure the broader economic impacts of criminal child abuse perpetrated in organisational settings.¹⁴¹ Most of the work measuring the economic impacts of child abuse examines costs to the community broadly. It is not specifically focused on whether the abuse occurs within or outside the family.

The Committee noted the research into the cost of criminal child abuse in Victoria in 2009–10 that was commissioned by the *Protecting Victoria's vulnerable children inquiry* (the Cummins Inquiry). Basing its findings on the best estimates of prevalence and incidence of child abuse, Deloitte Access Economics identified substantial costs to Victoria. These included financial costs associated with the health, education and justice systems. The findings also emphasised productivity costs and costs to the social welfare system.

Importantly, the research commissioned by the Cummins Inquiry relates specifically to the prevalence of criminal child abuse emerging from the child protection system and survey data produced by the Australian Bureau of Statistics (ABS). In its report, Deloitte noted the following:

Limitations to data and evidence mean that there will naturally be a margin of uncertainty surrounding the magnitude of the estimated costs ...

It is difficult to isolate the extent to which ill health, substance misuse, poor social functioning, adult victimisation, poor employment and earnings outcomes and the other adverse outcomes listed above can be directly attributed to abuse.¹⁴²

With these limitations in mind, it reached the following broad conclusion:

In total, the financial costs of child abuse and neglect which occurred for the first time in 2009–10 in Victoria were between \$1.6 billion and \$1.9 billion.¹⁴³

Box 4.1 provides an overview of the costs identified in the research. The Committee noted that the research commissioned by the Cummins Inquiry has a specific focus on costs associated with child abuse that occurs in families.

141 Work exists on the economic costs associated with maintaining child protection systems which are mostly geared towards preventing and responding to abuse within the family. See Australian Institute of Family Studies, Child Family Community Australia (2013) *The economic costs of child abuse and neglect*, from www.aifs.gov.au.

142 Deloitte Access Economics (2011) *The economic and social cost of child abuse in Victoria, 2009–10. Protecting Victoria's Vulnerable Children Inquiry*. p. 8.

143 Deloitte Access Economics (2011) *The economic and social cost of child abuse in Victoria, 2009–10.*, p. 8.

Box 4.1: Lifetime costs of child abuse and neglect

For each cost estimate, the ‘lower bound’ and ‘best estimate’ are provided to inform the broad range of impacts.

Health system costs

The lifetime health system costs of abuse and neglect that occurred for the first time in 2009–10 were between \$29.8 million and \$187.7 million. The Australian Government incurs the greatest share of the health system costs of child abuse and neglect, followed by the Victorian Government.

Additional education costs

The lifetime costs of additional programs required to assist children who were abused or neglected for the first time in 2009–10 were between \$6.4 million and \$38.7 million. The Victorian Government incurs the greatest share of these costs.

Productivity losses

Lifetime productivity losses due to child abuse and neglect that occurred for the first time in 2009–10 were in the following areas:

- Lower employment—children in out-of-home care are less likely than other children of their age to be employed and if they are employed, they are likely to receive lower weekly earnings on average. These costs over the lifetime for those whose abuse or neglect occurred for the first time in 2009–10 are between \$11 million and \$67 million.
- Premature death—around \$37 million in productivity losses occurred because of premature death associated with child abuse and neglect that occurred for the first time in 2009–10.

Courts and crime

The lifetime costs to the justice system of abuse and neglect that occurred for the first time in 2009–10 were \$74.4 million. These costs are borne by the Victorian Government. This excludes the association between child abuse and criminal activity later in life.

Second-generation crime refers to criminal activity later in life by adults who were abused as children. The lifetime cost of second-generation crime related to abuse that occurred for the first time in 2009–10 is between \$260,000 and \$1.6 million.

Deadweight losses

Efficiency losses associated with taxes and transfer payments arising because of abuse or neglect that occurred for the first time in 2009–10 are between \$351.2 million and \$411.4 million.

Source: Adapted from Cummins, Scott, Scales (2012) *Report of the Protecting Victoria's vulnerable children inquiry* (Cummins Inquiry).

In the broader Australian context, Access Economics, the Australian Childhood Foundation and Monash University undertook a study in 2008 on the economic costs of criminal child abuse.¹⁴⁴ The Access Economics report was based on the prevalence

144 P. Taylor, P. Moore, L. Pezzullo et al. (2008) *The cost of child abuse in Australia*. Melbourne, Australian Childhood Foundation and Child Abuse Prevention Research Australia.

of child abuse and neglect in 2007 and looked at the number of children who had experienced abuse and neglect in that year.¹⁴⁵ The overall costs were made up of government expenditure on child protection, health services and crime.

The Access Economics report estimated that 177,000 children under the age of 18 were abused or neglected in Australia in 2007. The victims who were abused in organisational settings were not specifically identified but are captured in the overall figures. The best estimate of the actual cost of child abuse incurred by the Australian community in 2007 was \$10.7 billion, and could have been as high as \$30.1 billion.

The same study estimated that the value of the burden of disease (a measure of lifetime costs of fear, mental anguish and pain relating to child abuse and neglect) represented a further \$6.7 billion.

Finding 4.5

While the actual costs associated with criminal child abuse in organisations are unknown, there are significant economic and social costs associated with child abuse in Victoria.

145 Methodology for calculating estimates is detailed in the study itself.

Chapter 5

Achieving justice

AT A GLANCE

Background

Victims of crime seek justice for the harm they suffered. How that justice is provided or achieved is important and can assist in their recovery from the crime of child abuse. Justice is multilayered and means different things to different people.

Key findings

- Victims often want an opportunity to restore their lives and to repair the damage they experienced as a consequence of being criminally abused by personnel in a non-government organisation.
- Victims frequently wanted to see consequences for the perpetrator of the criminal child abuse—to be stood down from their position, the allegation reported to the police and the perpetrator prevented from continuing to criminally abuse children.
- Victims often want to receive vindication from the organisation for the injustice they suffered and acknowledgement that the organisation failed in its duty of care to protect them.
- Many victims, families and communities felt a lack of justice and a sense of ‘unfinished business’ with non-government organisations, particularly the Catholic Church in Victoria, for the following reasons:
 - ♦ double betrayal—inconsistent approaches to victims and offenders
 - ♦ hypocrisy—claims of moral authority
 - ♦ lack of accountability—refusal to accept responsibility.
- While not within the Terms of Reference, a number of victims, particularly those in the care of the State, felt betrayed by authorities, such as the Government and the police, for the following reasons:
 - ♦ lack of supervision—inadequate government inspectors and monitoring of the non-government institutions in which they were placed
 - ♦ lack of intervention—the police often escorted those who escaped back to the non-government institution.

Victims want justice. This was a strong and consistent message throughout the Inquiry.

Justice is multi-layered and the Committee learnt that it means different things to different people. The experiences victims shared with the Committee revealed broad themes about what justice would look and feel like.

Victims of criminal child abuse by personnel in trusted organisations pursued justice for what they often perceived to be the loss of their innocence as a child. They wanted to see consequences for perpetrators—to see them removed from their position, reported to police and potentially punished through the criminal justice system.

Victims also had hopes and expectations that organisations they had trusted would acknowledge their failure in their duty of care to protect children from the harm of criminal child abuse. Victims hoped organisations would listen to their experiences and validate them by providing a genuine expression of remorse and an acknowledgement of wrongdoing.

The Committee heard, however, that many victims were not given the basic levels of respect they expected. Organisations frequently did not assume responsibility for the harm suffered by victims of criminal child abuse. Victims spoke of ‘unfinished business’ and resentment resulting from the inadequate response by organisations to their disclosure of criminal child abuse they experienced by personnel within the organisation.

Adding to the sense of injustice that victims experienced was a sense of betrayal by organisations that failed to provide the response they anticipated. Victims told of circumstances where organisations were inconsistent in their approaches to victims and offenders—giving inadequate support to victims, yet providing pastoral, legal and financial support to offenders. They spoke of unfulfilled promises by leaders in the organisation and the trivialising of their experiences.

Victims and their families expressed specific outrage at the apparent hypocrisy of religious organisations that failed to protect children yet refused to acknowledge the harm and suffering caused by perpetrators. Religious institutions that claim moral authority in society demonstrated their incapacity, and sometimes unwillingness, to respond adequately to the crime of child abuse committed by personnel in their organisations.

5.1. Need for justice

From the outset, the Committee acknowledged and recognised that victims are seeking justice. Many witnesses and submitters to the Inquiry impressed on the Committee that victims are entitled to justice. Their comments included:

What I wanted to see was justice.¹⁴⁶

I think the most important thing to a victim is to get justice.¹⁴⁷

I feel I need to achieve ... a sense of justice being done in this matter.¹⁴⁸

146 *Transcript of evidence*, Mr John Frederiksen, Melbourne, 4 March 2013, p. 6.

147 *Transcript of evidence*, Mr Chris Pianto, p. 3.

148 *Transcript of evidence*, Mr Kevin Houlihan, p. 3.

Those men deserve justice.¹⁴⁹

Justice has to be seen to be done, and I do not believe it has been.¹⁵⁰

I believe there has to be justice.¹⁵¹

I want justice. I want it for me, but I also want it for a lot of other people, too.¹⁵²

Real justice—that long-overdue justice that these people and this community have an entitlement to.¹⁵³

While many victims seek vindication, others were uncertain about what they wanted or what justice would mean to them. The Committee acknowledges that decisions about how to pursue justice are not easy for victims. For many, the process of pursuing justice can in itself retraumatise them.

Many victims and their families told the Inquiry that despite their efforts to achieve justice, they felt they had not received the justice they were entitled to. One witness stated that ‘I see it is unfinished business ... There are certainly a lot of open sores that still have not been closed.’¹⁵⁴ Mr Paul Brockhoff also expressed his view in his written submission, explaining his participation in the Inquiry:

So why am I writing? I want to ensure that no stone is left unturned and that every single person who covered up and who committed grave offences against small children is brought to justice and in doing so, rendered incapable of committing such badness again. My expectations of this process are limited. I don’t see how it could result in the ‘opening of the can of worms’ we are all secretly expecting and hoping for. Though it *is* good to be heard.¹⁵⁵

5.2. What does justice mean to victims?

The Committee became acutely aware of the profound importance that achieving justice has to victims, their families and local communities. To improve its understanding of what victims want in their pursuit of justice, throughout the hearing process the Committee Chair asked this question of nearly all individuals who asked to appear before the Inquiry.

After considering the responses of nearly 100 witnesses, the Committee concluded that the meaning of justice is unique to each victim, while also being multidimensional. One victim advocacy group, In Good Faith & Associates, explained that justice ‘is multifaceted, it is comprehensive’ and that it needs to be approached holistically.¹⁵⁶ In the context of the Catholic Church, Mrs Helen Watson, the mother of a victim, suggested to the Inquiry that:

Justice has huge scope. It is a lot of things. It is about acknowledgement; it is about how the alleged perpetrator—if found guilty—needs to do the time; and it is about the hierarchy of the Church that is actually a part of the cover ups and allows these sexual perpetrators to move from place to place continually sex abusing. They need to

149 *Transcript of evidence*, Mr Hugh McGowan, p. 3.

150 *Submission S470*, Name withheld.

151 *Transcript of evidence*, Ms Brenda Coughlan, Melbourne, 15 March 2013, p. 4.

152 *Transcript of evidence*, Mr Wayne Davis, p. 5.

153 *Transcript of evidence*, Ms Judith Courtin, p. 2.

154 *Submission S470*, Name withheld.

155 *Submission S392*, Mr Paul Brockhoff, p. 4.

156 *Transcript of evidence*, In Good Faith and Associates, pp. 11–12.

be held accountable as well. It is about accountability for the Church, very much so.¹⁵⁷

One member of the Catholic Church community, Mr Bernd Bartl, explained to the Committee that achieving justice is broad and that:

Proper restitution, restoration, redress—including punishment—and reconciliation for any wrong done, to the extent that is humanly possible, has to be an absolutely essential part of any ‘sorry’.¹⁵⁸

Many who responded to this question had firm views about what justice meant to them individually. The Committee found that victims need access to multiple options in the pursuit for justice, ranging from a meaningful apology to financial compensation.

Hearing the experiences of victims in their oral evidence and reading their written submissions helped the Committee understand the concerns of victims, their families and their communities. The Committee identified the following motivations for seeking justice:

- To see consequences for the perpetrator of the criminal child abuse and an opportunity to restore their lives and the damage done to them.
- To receive vindication from the organisation for the injustice they suffered and acknowledgement that the organisation failed in its duty of care to protect them.

Victims told the Inquiry that when organisations and authorities failed to provide the response they were seeking, victims were strongly driven to pursue their grievance through the criminal and civil justice systems. In some instances, the inability to pursue civil options due to the nature of the entity—for example, the Catholic Church is not a legal entity that can be sued—added further to victims’ sense of injustice.

Finding 5.1

Victims often want an opportunity to restore their lives and to repair the damage they experienced as a consequence of being criminally abused by personnel in a non-government organisation.

5.3. Justice for damage to lives

In disclosing their abuse to family, friends or the organisation, many victims were seeking justice specific to the perpetrator of the abuse. They described how losing their innocence at a young age had tarnished their lives. As one victim said, ‘I think it is fair to say my childhood ended that year.’¹⁵⁹ He was 14 years of age.

When victims disclosed their experience of criminal child abuse and its impact on them, they had expectations of how they would be treated and what they hoped would happen. The Committee heard almost solely from adult victims who disclosed long after the abuse, which is consistent with evidence received that it is often decades after the abuse that victims disclose their experience. Some, however, had tried to disclose earlier.

¹⁵⁷ *Submission S158*, Ms Helen Watson, p. 6.

¹⁵⁸ *Transcript of evidence*, Mr Bernd Bartl, Melbourne, 26 March 2013, p. 3.

¹⁵⁹ *Transcript of evidence*, Mr Andrew Collins, p. 11.

Victims had three initial expectations and hopes when they first reported their experience of criminal child abuse:

- They expected to be believed when they disclosed the abuse.
- They hoped and expected that there would be consequences for the perpetrator—that is, being stood down from their position and the allegation reported to police.
- They wanted to prevent abuse that occurred to them occurring again or to others.

Finding 5.2

Victims frequently wanted to see consequences for the perpetrator of the criminal child abuse—to be stood down from their position, the allegation reported to the police and the perpetrator prevented from continuing to criminally abuse children.

5.3.1. Being believed—disclosure

When they first found the courage to disclose their experience of criminal child abuse to their parents or to a person in the organisation, some victims described situations of not being believed. If they reported this experience as a child and were not believed, many felt unable to raise their experience again until decades later, or sometimes never.

The reasons children felt unable to disclose are complex. Fear of not being believed was a significant factor. Some victims also described a feeling of wanting to protect their parents from knowing what was happening. For example, Mr Raymond D’Brass explained that:

I never told my parents or anyone in the church about what was happening. It was a very confusing time for me, as I came from a very staunchly Catholic household and upbringing where the priest was considered to be the centre of our community and a direct link to God which could never be questioned.¹⁶⁰

The Committee heard of the traumatic consequences for victims who were not believed as children when they disclosed their criminal child abuse. For example, Mr Andrew Collins told the Inquiry that:

My reporting of the abuse was not believed by any of the adults who I told, and nothing was done about it. This was not only a betrayal of trust, but it left me in fear. I was all alone, and I had to face this fear by myself.¹⁶¹

Not only were children not always believed, some experienced punishment for mentioning what had happened to them. Mr Chris Pianto recalled that ‘When I first told my mother, she told me to wash my mouth out with soap, because it was lies.’¹⁶² Another victim told the Inquiry of a similar experience of a friend:

He told the nun who was running the school. She promptly gave him a hiding. He went home, told his parents, his parents never believed him. He has locked it up for 40 years. There are about four or five people in this world that he has told.¹⁶³

160 *Transcript of evidence*, Mr Raymond D’Brass, p. 2.

161 *Transcript of evidence*, Mr Andrew Collins, p. 11.

162 *Transcript of evidence*, Mr Chris Pianto, p. 2.

163 *Submission S458*, Name withheld.

When adults did not believe disclosures of criminal child abuse, children were left unprotected and at continued risk and exposure to abuse. There were no consequences for the perpetrator, who remained in the community providing them opportunities to continue abusing children. Chapter 15 of Part E discusses the measures that are important for supporting children's disclosure of criminal child abuse.

For victims in institutional settings, the criminal child abuse was part of the culture. Children often felt there was no one to whom they could disclose. For example, some explained being taught not to be a 'dobber'.¹⁶⁴ On occasions, some ran away, only to find that external authorities, such as the police, did not believe them and even escorted them back to the same or another institution. Their return would often result in harsh punishment for running away and further abuse.¹⁶⁵

Ms Gabrielle Short told of her experience when she tried to escape an abusive situation in an institution:

If we were caught talking or resting, we were severely punished. I was getting to the point of complete desperation, so after a few months I escaped; however, I ended up at the Kyneton police station and was taken to a remand centre called Winlaton.

This was not a place for a child, especially a child whose only crime was running away from the system that was failing me and many other wards of the State.¹⁶⁶

For those who disclosed their criminal child abuse as an adult, similar feelings of a need to be believed were expressed. Mr Max Johnson told the Inquiry that when he tried to report his experience of abuse, the Catholic Church did not treat him with sensitivity. His interpretation of the response was that "They would not believe me. I said, "At least could you come and listen?" And they said, "We are not prepared to help you in any way."¹⁶⁷

Mr Brian Cherrie also reported his abuse to the organisation, the Salvation Army, and felt that he was not believed. While he received an apology from the Salvation Army, it was qualified with a comment about the abuse 'which you say occurred'. Mr Cherrie told the Inquiry that he found this comment 'absolutely offensive'.¹⁶⁸

One man explained that victims 'are looking for somebody who wants to listen. There are so many who were not believed ... It is something that only other survivors can understand.'¹⁶⁹ Not being believed led to many victims feeling an intensified need for validation through their pursuit for justice.

5.3.2. Consequences for the perpetrator

The Committee heard that victims of criminal child abuse hoped and expected that when they told someone about the abuse there would be consequences for the perpetrator. The evidence before the Inquiry showed, however, that there were often no consequences for the perpetrator. The treatment of the perpetrator by the organisation was a significant contributing factor to the general sense of dissatisfaction with the process for responding to allegations and the victim's sense of injustice.

164 See *Transcript of evidence*, Mr Peter Komiazyk, pp. 2–3.

165 *Transcript of evidence*, Care Leavers of Australia Network (CLAN), p. 9.

166 *Transcript of evidence*, Ms Gabrielle Short, Melbourne, 26 March 2013, p. 4.

167 *Transcript of evidence*, Mr Max Johnson, p. 5.

168 *Transcript of evidence*, Mr Brian Cherrie, Melbourne, 4 February 2013, p. 7.

169 *Submission S463*, Name withheld.

Victims told the Inquiry that they wanted to see the person who had abused them punished for their actions. For some this involved removing the perpetrator from their existing position to prevent others being at risk. For example, Ms Sandra Higgs stated that ‘My intention was to get rid of that priest.’¹⁷⁰

Another victim explained that exposing the perpetrator publicly was essential commenting that ‘I want him physically and permanently named as a paedophile.’¹⁷¹

Similarly the Committee heard of victims seeking to have offenders’ honours removed or cancelled. In instances in which ministers of religion were found guilty of criminal child abuse, victims and their families felt strongly that they did not deserve ongoing public accolades.

Mr John Frederiksen explained to the Inquiry that ‘We have tried with this [perpetrator] to get his Order of Australia removed by writing to the Governor-General.’¹⁷² He went on to state that the issue has not been resolved:

We have got one letter back. I might have two letters back saying that the G G [Governor-General] is looking into it. We have kept the pressure on. I even wrote to Julia Gillard the other night ... I think they have said either to me or to one of the others they are still looking into it ... I just think that it is ridiculous that this guy would be given an order.¹⁷³

The brother of a victim, Mr James Boyle, told the Inquiry of a similar challenge:

If we go quickly through how Gavan was treated. He asked for three things: good counselling, the removal of Penn Jones’s, the abuser, name from an honour roll in St Patrick’s Cathedral, and the removal of Jones’s honorific rank, Very Reverend Monsignor, Prelate of Honour of His Holiness the Pope. None of those was ever actioned in response to Gavan’s wishes. Only much later the second of those items, the removal of Jones’ name on a plaque, was done, at my sister’s insistence.¹⁷⁴

Another victim explained:

There is also a street in Laverton, which is where I grew up, which has been named after Father Rubeo. I do not go there often, but if I do, I have to drive past that street and see that name. It is not a main thoroughfare but I know it is there, my brother knows it is there, everybody knows it is there, everybody knows who it was named after in the first place, because he was the first parish priest in Laverton. That sticks in my craw a bit.

We have some friends who went to the local council—and again I do not know whether Parliament can do anything about this; it is a local council issue, I suppose. They took up a petition, got signatures, and when the council sent letters out half the people did not bother responding. Half the people said, ‘Yes, we will have the name changed’ and the other half said, ‘No, we don’t want the name changed’, so they are not going to change the name as far as I know. I got an email yesterday. There was a council meeting last night, and it looked like the council was not going to change the name. That really does get my goat a little bit.¹⁷⁵

170 *Transcript of evidence*, Ms Sandra Higgs, Geelong, 15 February 2013, p. 2.

171 *Submission S455*, Name withheld.

172 *Transcript of evidence*, Mr John Frederiksen, p. 4.

173 *Transcript of evidence*, Mr John Frederiksen, p. 7.

174 *Transcript of evidence*, Mr James Boyle, Melbourne, 15 March 2013, p. 3.

175 *Submission S480*, Name withheld.

One victim explained that he discovered that not only had perpetrator not been stood down, he was also honoured in his death:

He was buried as a full priest after he came out of jail. He was still Father O'Donnell ... when he died. This was two years after he had come out of jail, and he was still a priest, and he was buried in the Melbourne General Cemetery in the bloody priests' crypt.¹⁷⁶

Mr Anthony Foster, the father of children abused by the same priest, made a similar point, stating that there has been 'continued reverence for people who have carried out terrible acts and continued support for them in a priestly way'.¹⁷⁷

This conduct of the Catholic Church is considered in more detail in Chapters 20 and 21 of Part F, which explores the manner in which it currently deals with allegations of criminal child abuse.

For others, seeing charges laid for criminal acts was a critical element of the response they expected to receive after disclosing their abuse. One victim said to the Committee, 'The perpetrators, I feel, need to experience the full force of the law. The result may be guilty or not guilty, but something needs to be done'.¹⁷⁸ Another victim made a similar point:

The victims and their families also need and deserve an assurance that no crimes or serious breaches of trust and responsibility have gone unpunished and that action has been taken to ensure that no such crimes or breaches can occur in the future.¹⁷⁹

5.3.3. Punishment and prevention

Several witnesses made the link between punishment and prevention, demonstrating how important they felt it was not to subject other children to the experiences they had suffered. Part D discusses the prevention of criminal child abuse in non-governmental organisations and Part G details the role of the criminal law in prevention.

In relation to the punishment of offenders through the criminal justice system, consistent with research findings, the Committee was informed that the actions of perpetrators were very rarely reported as crimes. The movement of priests within the Catholic Church caused particular outrage amongst victims and their families. For example, the wife of a victim explained that:

This guy was found doing this [abusing children] since 1948. [My husband] was born in 1960; he was 14 in 1974. This did not have to happen ...

But they knew. They just moved him from parish to parish and tried to just shut it down and pretend it never happened.¹⁸⁰

The mother of a victim, Mrs Helen Watson, expressed with incredulity:

It is beyond belief that the bishop of Ballarat, Mulkearns, could place Ryan in a church community with the knowledge that he was a sexual predator, endangering the lives of young members of the church community.¹⁸¹

176 *Submission S478*, Name withheld.

177 *Transcript of evidence*, Mr Anthony & Mrs Chrissie Foster, p. 16.

178 *Submission S459*, Name withheld.

179 *Submission S476*, Name withheld.

180 *Submission S478*, Name withheld.

181 *Transcript of evidence*, Ms Helen Watson, p. 3.

The lack of consequences for perpetrators led to a profound sense of injustice for victims, their families and communities. While at times victims were let down by the criminal justice system itself, the failures of organisations in how they acted were an equal cause of anger and feelings of injustice. The next part of this Report looks at the responses of organisations to reports of criminal child abuse by their personnel prior to any formal internal process being developed.

5.4. Justice for failing to uphold duty of care to children

The Committee heard that an organisation's response to a report of criminal child abuse is a key factor in whether a victim feels they have been dealt with fairly and justly. Historically, religious and non-government organisations in Victoria have a poor record in responding to complaints of criminal child abuse. Chapter 7 in Part C discusses the past handling of child abuse by organisations. Given that many victims are adults when they disclose experiences of abuse, an organisation's response to cases that occurred in the past are essential in providing victims with a sense of justice.

In addition to wanting organisations to take action to respond to the alleged offender and to stop the abuse from recurring, victims of criminal child abuse described four ways in which they expected to receive justice from organisations in response to their disclosure. They expected to:

- be heard and have their experience validated
- receive an expression of genuine remorse by the organisation and acknowledgement of its failure to protect them
- receive an offer of appropriate support
- receive an explanation of the available options for legal, financial and other redress.

Finding 5.3

Victims often want to receive vindication from the organisation for the injustice they suffered and acknowledgement that the organisation failed in its duty of care to protect them.

5.4.1. Being heard—validation by the organisation

Victims who reported an experience of criminal child abuse to an organisation wanted to be heard. This was similar to their need to be believed. They expressed a need to be listened to and for the organisation to make the effort to understand and validate what had happened to them. The Committee learnt, however, that many victims felt they had not been heard and that their experience was not treated sensitively, not understood and sometimes trivialised. In addition, some felt that the organisation did not believe their story, or worse, actively sought to deny or minimise the extent and knowledge to which the leadership was aware of the abuse.

The Committee heard that a number of religious and non-government organisations had failed to provide a sense of justice for victims and their families. How they were treated when they made a complaint of criminal child abuse was important to victims. Parish priest from St Mary of the Angels Parish in Geelong, Fr Kevin Dillon, explained that victims should be treated 'with compassion, with support, with justice

and a sense of recognising their value'.¹⁸² Mr Bartl expressed his view that there has been an 'appalling lack of justice and compassion in relation to victims of sexual abuse' in the Catholic Church specifically.¹⁸³ Victim advocate group, In Good Faith & Associates, suggested that:

Victims are best served when they are listened to ... when they hear our outrage at what has been done to them and when they see we are not frightened by their stories, that we can handle them and that we are galvanised for action.¹⁸⁴

One victim, Mr Jim Commadeur, expressed his view that the processes he experienced were not designed to make people listen. He explained that the 'Towards Healing protocol has had an adverse healing impact; it was as if "they" did not let me speak—"they" did not listen.'¹⁸⁵

Other victims also spoke of not being listened to and not being treated with compassion. Ms Mairead Ashcroft described her experience:

I was asked a whole heap of questions. So you are not believed first; you are interrogated, and then if you can give enough evidence that there is a possibility that you might be telling the truth they look into it.¹⁸⁶

Others described the importance of validation from the organisation. Fr Paul Walliker explained that 'validation is incredibly important for people ... It is when they hear from somebody that they are believed that it is important.'¹⁸⁷ Another victim told the Inquiry:

People who have experienced abuse as children first need to have their trauma acknowledged and validated to begin the healing process.¹⁸⁸

Victims' sense of a lack of compassion by organisations in response to complaints of criminal child abuse led to a further feeling that organisations trivialised victims' experiences. Dr Joseph Poznanski, a psychologist who works with victims of child abuse, explained:

Most clients with whom I have had the privilege of working appeared to feel that these internal processes had been geared towards denial and minimisation of their suffering.¹⁸⁹

Victims expressed these same views to the Inquiry. One person said, 'He minimised things ... He minimised what had happened to me.'¹⁹⁰ Mr Foster emphasised how unjust he considers this trivialisation, stating that 'This has been known as a severe crime in our society for centuries, and here we have ... the church minimising what we all know is a crime.'¹⁹¹

Some victims of criminal child abuse and their families felt that this belittling of their experiences was connected to the organisation's incapacity to comprehend the impacts of the abuse. They explained that their experience and the response they

182 *Transcript of evidence*, Father Kevin Dillon, p. 3.

183 *Transcript of evidence*, Mr Bernd Bartl, p. 6.

184 *Transcript of evidence*, In Good Faith and Associates, p. 9.

185 *Transcript of evidence*, Mr Jim Commadeur, Melbourne, 23 November 2012, p. 2.

186 *Transcript of evidence*, Ms Mairead Ashcroft, pp. 2–3.

187 *Transcript of evidence*, Father Paul Walliker, Bendigo, 14 March 2013, p. 6.

188 *Submission S476*, Name withheld.

189 *Transcript of evidence*, Dr Joseph Poznanski, p. 2.

190 *Submission S461*, Name withheld.

191 *Transcript of evidence*, Mr Anthony & Mrs Chrissie Foster, p. 9.

received ‘shows a complete lack of understanding’.¹⁹² One victim referred to ‘the lack of awareness and ... the inability to really grasp the realities of abuse victims and their families and their life situations’.¹⁹³

Br Barry Coldrey supported these views, stating that from his perspective the Catholic Church ‘is not sympathetic to victims ... there is just no sympathy’.¹⁹⁴

The Committee heard the benefits that come from victims receiving validation of their experience and understanding of its impacts. One victim, for example, explained that he secured a meeting with the provincial of the perpetrator’s religious order:

Talking to him, I just think, ‘Oh my God, finally here is somebody who really does get it’. That was the beauty of that whole meeting too: it was so healing. Forget the money side of it, I just felt somebody really heard us and understood our situation. There are so few people who seem capable of doing that for one reason or another ...¹⁹⁵

5.4.2. Remorse and acknowledgement

The Committee concluded that remorse and a sincere apology from the organisation are central to the process of bringing justice to victims and families who report an allegation of criminal child abuse. Linked to this is validation for victims through an acknowledgement of wrongdoing by the organisation—recognition that it breached its duty of care to ensure the safety of children.

Victims and their families consistently emphasised that they would have valued an expression of remorse and a meaningful and considered apology from the organisation. Yet many felt they did not get this validation from the perpetrator’s organisation. As one victim said: ‘What I wanted was some real remorse from an organisation and an apology, and I got neither.’¹⁹⁶ Mr Wayne Davis explained to the Inquiry that what he wants to see is ‘a genuine and sincere apology [to] be given by church and institutions for what was done in their name’.¹⁹⁷ He went on to say:

It has taken until last year to get the Catholic Church to give me a piddling, and I mean a piddling, for what I have suffered, which I have got, a one-fits-all apology from them in there. They just change a couple of names and give it to every single one of us.¹⁹⁸

Another person told the Inquiry of a similar experience:

The other thing that I got which really upset me was a very generic apology, a legally safe apology and one which I have since found out was almost like one that is photocopied and they just change the name here and there. I have pushed for a more sincere apology that really related to what actually happened but never got that.¹⁹⁹

The Committee heard that an apology that a victim finds meaningful can be very beneficial to them. Uncle Murray Harrison from Connecting Home explained to the Committee the value of the Australian Government’s apology in 2008 to the Stolen Generations:

¹⁹² *Submission S456*, Name withheld.

¹⁹³ *Submission S464*, Name withheld.

¹⁹⁴ *Transcript of evidence*, Dr Barry Coldrey, Melbourne, 1 March 2013, p. 7.

¹⁹⁵ *Submission S464*, Name withheld.

¹⁹⁶ *Submission S477*, Name withheld.

¹⁹⁷ *Transcript of evidence*, Mr Wayne Davis, p. 3.

¹⁹⁸ *Transcript of evidence*, Mr Wayne Davis, p. 3.

¹⁹⁹ *Submission S464*, Name withheld.

For me personally, the apology meant that we were recognised as somebody and we are able to heal. Maybe an acknowledgement of being abused will also go towards helping healing.²⁰⁰

In September 2013, a senior Orthodox rabbi apologised for years of mishandling and cover-up of child sexual abuse within the Jewish community. Mr Manny Waks, who appeared before the Inquiry in December 2012 and sought such a public apology, referred to it as ‘an incredible milestone’.²⁰¹

The Committee noted that other organisations, including the Catholic Church and the Salvation Army, have not provided a full and frank account of the extent of criminal child abuse in their organisations. This presents a challenge for these organisations — their past reluctance to openly acknowledge, and express genuine remorse for, their abuse of children has created a level of scepticism amongst victims. The Committee found that this will make it difficult for such organisations to gain credibility in any attempt to make an apology for individual and more systemic abuse.

There is a link between a meaningful, individualised apology and victims feeling validated. For some victims the connection between an apology, acknowledgement and being believed was important. One person explained:

What [an apology] would have provided is acknowledgement, validity that I had been through this experience, that they understood that I had been through this experience and that they were responsible for that.²⁰²

Many victims expressed similar views about how they believe a sincere apology and recognition by leaders in organisations of wrongdoing would assist. For example:

I think the most important thing to a victim is ... for people to acknowledge the suffering, the pain, the guilt and the shame that they have had to live through for, sometimes, 20 or 30 years.²⁰³

My wish list is: for the church to acknowledge that the abuse by the members was unacceptable.²⁰⁴

To get recognition of the trauma and the suffering that is ongoing.²⁰⁵

I would like some formal acknowledgement and apology about what took place and an acknowledgment of the impact it has had on me, so that I can obtain some sense of closure.²⁰⁶

As discussed by Uncle Murray Harrison, for a number of victims acknowledgement was valuable in helping with a healing process. Fr Walliker explained:

The victims should have [an] authority ... say to them, ‘Yes, we acknowledge it. We have the hard evidence. We have the goods. We are sorry that we can’t give you the justice that perhaps you want, but we acknowledge and we accept.’²⁰⁷

200 *Transcript of evidence*, Connecting Home, p. 10.

201 Barney Zwartz ‘Senior rabbi apologises for sexual abuse cover-up’, *The Age*, 12 September 2013.

202 *Submission S460*, Name withheld.

203 *Transcript of evidence*, Mr Chris Pianto, p. 3.

204 *Transcript of evidence*, Mr Keith Whelan, p. 6.

205 *Transcript of evidence*, Mr Rob Walsh, Ballarat, 28 February 2013, p. 13.

206 *Transcript of evidence*, Mr Kevin Houlihan, p. 3.

207 *Transcript of evidence*, Father Paul Walliker, p. 6.

Member of the Catholic Church community, Mr Bartl, expressed his views about the importance of acknowledgement if a person is to attempt to restore their life after an experience of criminal abuse as a child:

For somebody who has been sexually abused, on the face of it their innocence is enormously difficult to restore. But in so far as there can be any restoration, it involves the person who has done the wrong acknowledging that it was a wrong.²⁰⁸

In one of the less common experiences recounted to the Committee, Mr Hugh McGowan spoke of the acknowledgement of wrongdoing by the organisation he received when he met with senior representatives of the Uniting Church. This related to his experience of abuse while in institutional care. He stated:

I thought the meeting we had was productive and there was a good understanding of my concerns, which were acknowledged and sympathetically received. This included an acknowledgement of the wrongdoings to me as a child in the care of the church.²⁰⁹

Mr McGowan went on to explain that he had not sought financial compensation from the Uniting Church, but that victims in similar circumstances should be entitled to do so.

Another victim referred to his experience after reporting his abuse to the Anglican Church:

I would like to say that the support that I received was absolutely fantastic. You hear a lot of negativity about, ‘There was no support’. Well, for me there was support; I cannot deny that. When I told the chairman of the Church of England Boys Society, the CEBS ... [t]he director, Garry Allen, came and visited me. The Anglican diocese provided counselling. I could not fault their reaction; it was excellent.²¹⁰

The Committee noted during its examination of the Catholic Church files that a number of victims expressed satisfaction with aspects of the response they received, such as their allegation being dealt with efficiently and sensitively. Chapters 20 and 21 in Part F discusses this further.

The Committee also heard that for many victims and their families an apology alone, without actions, is not enough. For example, Mr Joseph Saric said:

I totally agree with an apology. But the problem I see with the Catholic Church is that they are only words ... Words are just words to a lot of these people; they do not mean too much. Words are meaningless ...

To me, only deeds and actions represent a way forward. Apologies are just words.²¹¹

Mr Bartl made a similar comment regarding offers of apology stating that ‘Saying the words “sorry” or “apology” or praying to God when there is a very real earthly action that could be initiated and continued is simply and grossly inadequate.’²¹²

5.4.3. Support

The Committee found that it is critical to provide appropriate and holistic support when people disclose an experience of criminal child abuse. They relive their trauma

208 *Transcript of evidence*, Mr Bernd Bartl, p. 4.

209 *Transcript of evidence*, Mr Hugh McGowan, p. 5.

210 *Submission S463*, Name withheld.

211 *Transcript of evidence*, Mr Joseph Saric, p. 5.

212 *Transcript of evidence*, Mr Bernd Bartl, p. 3.

when retelling their experience. Many participants in the Inquiry emphasised this, yet explained that they did not receive such support when they reported their abuse to the relevant organisation.

One witness explained to the Committee that:

... the police should be the first port of call. But at the same time there should also be some kind of support mechanism, because it is a very traumatic experience as a victim of criminal child abuse to tell your story; I have to tell you that it is very traumatic.²¹³

Fr Dillon told the Committee that in the context of the Catholic Church he considered pastoral care is critical in supporting victims of criminal child abuse. In his experience, however, he found that:

There is no pastoral follow through ... When I have spoken to victims, I have asked, 'Have you had any follow through? Has anybody ever rung you up to ask how you're going? Have you got through this all right? Are you still okay?' and whatever, but there is never a phone call, never a follow up.

This is something that should be at the very core of the church's mission.²¹⁴

Dr Poznanski also expressed concern that the Catholic Church processes for responding to allegations of criminal child abuse do not necessarily include the provision of support or follow up:

The most critical issue for my clients is the protracted nature of the complaint process, and in many instances a lack of pastoral care during the lengthy duration. In my experience, no representative of Towards Healing has ever approached any of my clients to inquire about their wellbeing and whether or not he or she would like to accept a pastoral meeting with the provincial of the relevant religious order.²¹⁵

Mr Frank Golding from the Care Leavers Australia Network (CLAN) explained the importance of support during a process of reporting abuse to an organisation:

The organisation should encourage and enable the victim to be supported throughout the process by an advocate of their choice ... It should not be the choice ... that the support person is discouraged from even participating and told not to speak during the interview ... Victims do need to be supported, given the power imbalance that exists in such a negotiation.²¹⁶

Some witnesses told the Inquiry that while they wanted a support person at meetings about their grievance, they were not permitted to take anyone with them. For example, one person told the Committee that in the Catholic Church's Melbourne Response process:

They just keep stringing you on and stringing you on. They have brought me into meetings, not allowing me to bring a support person ... so I had to go on my own, and that was pretty traumatic.²¹⁷

The Committee recognised that support, including pastoral support, is essential for victims when they disclose an allegation of criminal child abuse and engage in any process with an organisation.

213 *Submission S462*, Name withheld.

214 *Transcript of evidence*, Father Kevin Dillon, pp. 3–4.

215 *Transcript of evidence*, Dr Joseph Poznanski, p. 3.

216 *Transcript of evidence*, Care Leavers of Australia Network (CLAN), p. 13.

217 *Submission S452*, Name withheld.

5.4.4. Organisation processes for responding to reports of child abuse

The Committee heard that after disclosing an experience of criminal child abuse, victims hoped the organisation would be respectful towards them. They hoped the organisation would provide them with adequate options for seeking redress for the harm they had experienced and the opportunity to try to restore their lives.

Some non-government organisations, such as the Catholic Church and the Anglican Church, have set up internal systems and processes for responding to allegations of child abuse. These processes are discussed in Chapters 19, 20 and 21 in Part F. But the Committee found that some of these internal processes were not always conducive to a positive experience for victims, resulting in a sense of further injustice and damage for many.

One of the notable features of the processes in the Catholic Church specifically was that victims felt they were not informed about the process for responding to reports of criminal child abuse and what it involved. For example, one victim described their experience to the Committee:

I got no explanation at all of the process. Not at any time through the whole interview did he give me any description of the process—what was involved, what his role was, really what I could possibly get out of going to the Melbourne Response. There was none of that given to me—no paperwork, nothing.

I had no idea how it worked.²¹⁸

Similarly, another person explained their view that the process and the options were not clearly outlined:

I went to see the so-called independent commissioner ...

Then he was explaining to me what I should do, and he said, 'We can take a contract. You can go to the police. What do you want to do?' I said, 'I don't know.' He said, 'Look, why don't we get down your story. I will put it in a transcript.' He was really encouraging me to talk, and he put on his recording machine; but he never explained my legal rights. He never explained what was being done.²¹⁹

The Committee recognises that there is value in ensuring that victims engaging in a process that responds to their report of criminal child abuse are given a clear outline of their options and what each stage of the process involves. Some victims explained, however, that their confusion about the process intensified when they were asked questions that seemed unclear or irrelevant:

You are sitting in front of all these people who would just basically stare at you, asking you questions which were totally irrelevant to what I was feeling.²²⁰

Another person reported:

I met with him and told him some of the story, because I was absolutely petrified and overwhelmed by sitting in his office in town with a big bloody microphone pointed at me and being asked questions about what happened and clarifying all that. I became aware of the fact that he was more interested in finding out if I knew about other people.²²¹

218 *Submission S456*, Name withheld.

219 *Submission S462*, Name withheld.

220 *Submission S478*, Name withheld.

221 *Submission S461*, Name withheld.

Some victims believed that, although those involved in the processes had good intentions, their confusion and concern about a lack of transparency made them suspicious of the Catholic Church's involvement in the process.

Victims expressed to the Inquiry that the process of being interviewed or assessed by investigators, facilitators or lawyers was re-traumatising them. For example:

My experience with them and the Melbourne Response has—as much as it seemed [he] was quite a nice bloke and everything—I think, re-traumatised me and the whole process for 19 years has done nothing to provide any justice.²²²

Another victim commented:

This event ... was more traumatising than all the events that had gone before it. My actual interview ... worse than the actual event.²²³

Dr Poznanski explained to the Inquiry that many people he sees find the processes adopted by the Catholic Church, in particular, extremely difficult:

As a psychologist, I am often exposed to clients' despair and helplessness that comes from their experience of the Towards Healing and Melbourne Response processes as being protracted and also legally oriented rather than processes that place an expression of compassion and concern for the client at the heart of the espoused Towards Healing objective.²²⁴

Mr Jim Commadeur told the Committee that what he had expected from the Towards Healing process was quite different from what he actually experienced:

I felt as if the whole process was half-hearted in terms of seeking a sophisticated, professional outcome. I felt as if I was not taken seriously. I came for help and left feeling even more frustrated.²²⁵

The Committee also heard that some victims, as well as perceiving the processes as unprofessional, did not feel confident in the skills of those central to the process. One victim said that the skills of an expert counsellor were required to assist victims through the process. Another said that the outcome of the process 'confirmed to me how poorly skilled these personnel were.'²²⁶

Researcher, Dr Coldrey, supported this view, expressing his opinion about 'inadequacies of the church's response due to the lack of ability, qualifications, reasonable experience and consistent integrity.'²²⁷

The Committee found that any processes that victims are referred to for the purposes of disclosing an experience of criminal child abuse must be open, transparent and supportive. This is discussed further in Part E.

5.4.5. Financial compensation for harms incurred from child abuse

Identifying the most appropriate response to compensate for harms suffered by victims of criminal child abuse is complex and often unique to the individual.

²²² *Submission S479*, Name withheld.

²²³ *Submission S456*, Name withheld.

²²⁴ *Transcript of evidence*, Dr Joseph Poznanski, p. 3.

²²⁵ *Transcript of evidence*, Mr Jim Commadeur, p. 3.

²²⁶ *Transcript of evidence*, Mr Jim Commadeur, p. 3.

²²⁷ *Transcript of evidence*, Dr Barry Coldrey, p. 2.

Different people have different needs, and different victims groups advocate for different approaches and priorities.

In the context of financial compensation, the Committee heard a range of victims' perspectives and expectations:

- For some, justice was not connected to financial compensation.
- A number were of the view that accepting money feels wrong.
- Others believe that victims have an entitlement to financial compensation—essential in acknowledging harms suffered, despite not alleviating the pain.
- For another group, money was initially not important but subsequent treatment perceived as unfair or unjust changed their views.

The Committee heard that many victims were not encouraged by the organisation to seek legal advice and this had implications for the approach they took in seeking financial compensation and ultimately for the amount of compensation they received. Chapter 21 in Part F discusses this in greater depth.

Not about financial compensation

A number of victims emphasised to the Inquiry that justice is not about receiving financial compensation. One victim explained that 'my case has never ever been about compensation in any way, shape or form'.²²⁸ Representatives of the Survivors Network of those Abused by Priests (SNAP) made a similar comment: 'I would like to say that so often when you are talking about these sorts of things, it keeps coming down to money, and money is just not the key issue.'²²⁹

The reasons for emphasising that justice for victims is not about money were varied. For example, Fr Dillon told the Inquiry that 'you can never compensate for what has happened to people in these circumstances'.²³⁰ As one man explained 'I don't seek compensation. I want life. At 57 years of age the search for justice is far outweighed by the desire to live out the rest of my life in a more meaningful connected way'.²³¹

Others said that they would have preferred an apology and a commitment to changed attitudes by organisations and more preventative approaches. Ms Higgs explained her perspective:

I thought if they are going to give us money, that to me is a cop-out. I would have been much happier if they had said to me, 'We are really sorry that this priest did what he did to you and that it has affected your family. We will try and change things', but no.²³²

Mr Frederiksen explained that 'I would not have been originally seeking compensation. What I wanted to see was justice. I wanted to see a guarantee that this is not going to happen again'.²³³

Another witness explained that 'money is not the thing. What we need is pastoral support and care for families'.²³⁴

²²⁸ *Submission S453*, Name withheld.

²²⁹ *Transcript of evidence*, Survivors Network of those Abused by Priests (SNAP), p. 17.

²³⁰ *Submission S452*, Name withheld.

²³¹ *Supplementary evidence*, Mr Jim Commadeur, 27 November 2012.

²³² *Transcript of evidence*, Ms Sandra Higgs, p. 4.

²³³ *Transcript of evidence*, Mr John Frederiksen, p. 6.

²³⁴ *Submission S454*, Name withheld.

Money felt wrong

The Committee heard that some victims considered money an inappropriate component of any exchange aimed at redressing the suffering of criminal child abuse. Some explained that it felt wrong to receive an offer of money to compensate for the damage they had experienced. One victim explained how the process of receiving financial compensation made him feel:

When I did actually go to the panel and ... got compensation ... I felt I had sold my soul basically. It was like hush money ...

I just expected some form of justice, and to me the \$25,000 was basically hush money.²³⁵

Another victim used similar language to say that he felt the organisation gave him money to keep him quiet. He said, 'It was hush money; that is all it was. You did not feel pleased about taking it, but I have done some good things with that money since I have had it.'²³⁶

The parents of one victim explained that 'I am pretty sure [our son] has got 90 per cent of his still put away. It is dirty money; he does not want it. He invested it, and he put his two older kids through school with it.'²³⁷ Along similar lines, another victim told the Committee that:

He was there to pay off the victims, really. For my mind, paying me off would just be like retrospective prostitution. I don't feel any value from being paid. I never went there for that, and I don't want that.²³⁸

Became about money

The Committee heard that in their initial pursuit of justice, a number of victims were not seeking money. But as their hopes and expectations about the response they might receive were not realised, some victims' priorities changed and they came to see money as the best way to achieve justice.

Mr Frederiksen's experience illustrates how his sense of justice has evolved over time:

I would not have been originally seeking compensation ... But when I realised the stalling process and the rest of it, it has just made me and my other fellow victims nastier and nastier. We are trying to get whatever we can out of the church. If that is what it means, if they cannot be fair, open and honest, and do stuff. I did not want a razoo, but I sure as hell do now.²³⁹

Mr Keith Whelan told of a similar experience. He said that in 2005, 'the last thing I was fighting for was money ...' but in 2013, 'I wish to be released from that [agreement] so I can now be adequately compensated.'²⁴⁰

Mr Foster explained that he and his family had initially not wanted to take the Catholic Church to court. He stated that 16 years ago they told the then Archbishop, George Pell that 'We don't want to drag the Church through the courts. We don't want this.'²⁴¹ In evidence to the Inquiry, Cardinal Pell advised the Committee that

²³⁵ *Submission S480*, Name withheld.

²³⁶ *Submission S455*, Name withheld.

²³⁷ *Submission S451*, Name withheld.

²³⁸ *Submission S456*, Name withheld.

²³⁹ *Transcript of evidence*, Mr John Frederiksen, p. 6.

²⁴⁰ *Transcript of evidence*, Mr Keith Whelan, p. 7.

²⁴¹ *Transcript of evidence*, Mr Anthony & Mrs Chrissie Foster, p. 5.

‘there were always two options: people could either go through the compensation panel or through the courts.’²⁴² But as a consequence of their dissatisfaction with the attitude and response of the Catholic Church to the sexual abuse of their children, the Foster family’s position changed. Mr Foster told the Inquiry:

I think the greater issue is the justice for victims, and so the accountability of the church has to come out of providing real justice for victims and really doing whatever is necessary to restore victims to the position in life that they would have otherwise been in if this had not happened to them. That can come in various ways.²⁴³

He went on to explain that:

In our society a major way of that is money.²⁴⁴

Another victim explained to the Inquiry that the costs of going through the complaint process made financial compensation more important at a later stage:

In the beginning it was not about money. It really was about me because I had a huge breakdown and I just wanted to know why. In the end it became about money because through the processes I tried to do something about it and then in the process losing everything and then just needing simple financial help to survive.²⁴⁵

Entitlement to financial compensation

Some victims and their supporters told the Committee that they should be entitled to financial compensation for the harms they have suffered. They emphasised that while financial compensation cannot cure the pain from their criminal child abuse, it is an important recognition and acknowledgement that they have been wronged. These people also highlighted the link between financial compensation and accountability of the organisation. Part H discusses the fundamental tenets of civil law and the significance of victims of child abuse having access to the avenue of civil justice.

Mr Kevin Houlihan expressed the important place of financial compensation in the pursuit of justice:

Though I firmly believe that money cannot compensate me for the abuse I was subjected to, I nevertheless believe I have some entitlement to an offer of financial compensation and restitution.²⁴⁶

In a similar vein, member of the Catholic Church community, Mrs Carmel Moloney suggested that ‘compensation is a recognition of their suffering, acknowledging that nothing can restore their childhood.’²⁴⁷ One victim’s wife emphasised to the Committee that ‘I think everybody should be entitled to some sort of compensation.’²⁴⁸

Mr Davis explained the important connection between financial compensation and accountability:

What I would like to see come out of the inquiry is that any denomination or institution be held fully responsible for their actions, face substantial compensation.²⁴⁹

242 *Transcript of evidence*, Catholic Archdiocese of Sydney, Melbourne, 27 May 2013, p. 17.

243 *Transcript of evidence*, Mr Anthony & Mrs Chrissie Foster, p. 5.

244 *Transcript of evidence*, Mr Anthony & Mrs Chrissie Foster, p. 5.

245 *Submission S464*, Name withheld.

246 *Transcript of evidence*, Mr Kevin Houlihan, p. 4.

247 *Transcript of evidence*, Ms Carmel Moloney, p. 3.

248 *Submission S472*, Name withheld.

249 *Transcript of evidence*, Mr Wayne Davis, p. 3.

Mr Foster articulated the importance of civil justice and holding organisations accountable for actions for which they are responsible. He stated that ‘we need to have victims be able to get accountability from the church in the full terms of what our civil legal system would have allowed them.’²⁵⁰ Mr Foster also suggested that in the context of the Catholic Church, ‘If victims had been awarded civil levels of compensation, the church would have acted decades ago to prevent incidences of sexual assault and the subsequent financial liability.’²⁵¹

For one victim, the ability to seek financial compensation through the civil courts was directly linked to his pursuit of justice:

I want to be able to go to a court. Any Australian citizen can go to a court. This is what Australia is about. It is a democratic country. I need to go there to get proper democracy. That is what I want.

I cannot understand ... I just cannot sue ... I got 27 grand for being bloody raped 10 times ... I want a proper Australian court to basically say, okay, I can go to court, and this is what happened there and to have an Australian judge, like any other citizen within Australia is able to do.²⁵²

When asked by the Committee about this specific case, Cardinal George Pell stated that ‘if the situation is as described there the compensation is, I would say, miserable. If such a person wanted to go to the Supreme Court, we have no problem about that.’²⁵³

The Committee heard that victims’ inability to pursue civil justice in cases in which the institution or organisation is not an incorporated entity caused considerable resentment, bitterness and frustration.

Part H discusses the challenges for victims pursuing a civil claim, particularly when their claim relates to a religious organisation.

Money was inadequate

For those individuals who were of the view that financial compensation was an essential part of justice, a number believed that what they received from non-government organisations was inadequate compensation for their experience of criminal abuse as a child. Some felt insulted by the monetary figure put on the harm they had suffered. Connected to these feelings was dissatisfaction with the financial cap that is imposed in Melbourne Response.²⁵⁴

Mr Saric asked the rhetorical question of whether financial compensation could ever be adequate:

The question becomes: can any amount of money ever compensate for the destruction of the personal innocence and personal faith of so many victims who carry the scars of their experience for a lifetime?²⁵⁵

Mr Cherrie explained his outrage at the amounts of financial compensation some people have received from organisations:

I have heard of terrible, terrible stories of people going through so much abuse and

²⁵⁰ *Transcript of evidence*, Mr Anthony & Mrs Chrissie Foster, p. 15.

²⁵¹ *Transcript of evidence*, Mr Anthony & Mrs Chrissie Foster, p. 7.

²⁵² *Submission S478*, Name withheld.

²⁵³ *Transcript of evidence*, Catholic Archdiocese of Sydney, p. 57.

²⁵⁴ See Section 21.4.1 of the Report.

²⁵⁵ *Transcript of evidence*, Mr Joseph Saric, p. 3.

getting figures like \$1000 or \$12,000 for abuse that affects them for their lives. That is absolutely atrocious.²⁵⁶

Uncle Howard Edwards told the Inquiry of his experience with the Salvation Army and not receiving adequate financial or other compensation:

I was given a very small sum of money because I did not have my head together, I did not have my papers together and I did not have my psych report—I did not have all that. I got a measly sum and no apology.²⁵⁷

Mr Foster explained how the impact on his family led them to step away from the internal organisation process. Unlike many other victims, the Foster family could afford to do this. He stated that ‘We were so disgusted with the \$50,000 price tag on our daughters’ lives that we commenced legal proceedings to achieve a better outcome.’²⁵⁸

Some explained that they had not been in a position to understand their legal position and that this resulted in them settling for an amount that they later came to regret. One victim stated:

I guess to me the relatively small sum of money that was awarded to me as a result of that at the time seemed like a lot of money when I was that age ... certainly from the solicitors I felt pressure to settle. I guess it is only now in hindsight, with age and a bit of extra wisdom ... that I can look back and see that really I think the Catholic Church got away with that pretty lightly, pretty well, especially considering there was no communication between the Catholic Church and myself during the whole process—not one attempt to make a phone call, not one attempt to make an apology—and I guess I would have liked back then to have at least received a letter acknowledging that I had been through that process from someone in the church, not via the solicitor.²⁵⁹

Both this experience and that described by Uncle Howard Edwards highlight the link between financial compensation and other forms of justice that victims are seeking. Receiving money alone rarely provided the sense of justice victims wanted. This was evident in a settlement reached by another victim’s family:

Although I was instrumental, one of the two people, in starting the class action ... it did not give any satisfaction. I apologise to any lawyers present, but the lawyers shuffled papers in the end and swapped agreements.²⁶⁰

There were others who found the process of seeking financial compensation so challenging that they opted to settle on an amount that was smaller than they felt entitled to. Mr Philip Nagle explained:

It came down to that they had a piece of paper there, which I believe was a deed of release, and said, ‘However, if you sign this, you won’t need to go to court, you won’t need to get solicitors and that will be it.’ At that stage my family were just—it was killing all of us. So we just did; we just signed it. We just felt like we had no other choice. We were not given any other options. We did not seek any legal advice. We just did what they said, and that was it ...

It was just inadequate. I mean, it was just wrong. As you go along in life and you get a bit older, it just eats away at you. You just think, ‘Well, hey, how can they do that?’ That

256 *Transcript of evidence*, Mr Brian Cherrie, p. 5.

257 *Transcript of evidence*, Connecting Home, p. 9.

258 *Transcript of evidence*, Mr Anthony & Mrs Chrissie Foster, p. 6.

259 *Submission S460*, Name withheld.

260 *Submission S470*, Name withheld.

is what I am saying. They were just ticking the box. They just wanted us to go away, and we were dealt with. It is not right. So, yes, I think it needs to be on our terms, not their terms.²⁶¹

Mr Foster shared a similar experience, explaining to the Committee that, ‘After almost 10 years, countless hours of effort, a significant personal cost and the pro bono help of our dedicated legal team, we settled with the Church for far less than we believe our children were entitled to. We were exhausted.’²⁶²

5.5. Unfinished business

A large number of victims of criminal child abuse who appeared before the Inquiry indicated that despite a range of efforts to get justice, they felt they had not achieved it. The Committee concluded that this was a consequence of victims’ unrealised hopes and expectations of the organisations’ response. A large amount of this evidence related to the Catholic Church. Many victims continue to feel aggrieved and explained that they have ‘unfinished business’ with the organisation relating to their experiences.

The Committee found that victims, their families and communities felt they had not achieved justice and had unresolved issues with the organisation due to following factors:

- double betrayal—inconsistent approaches to victims and offenders
- hypocrisy—claims of moral authority
- lack of accountability—refusal to accept responsibility.

The responses of non-government organisations to the concerns raised by victims in this section are addressed in later chapters of this Report.

Finding 5.4

Many victims, families and communities felt a lack of justice and a sense of ‘unfinished business’ with non-government organisations, particularly the Catholic Church in Victoria, for the following reasons:

- double betrayal—inconsistent approaches to victims and offenders
- hypocrisy—claims of moral authority
- lack of accountability—refusal to accept responsibility.

5.5.1. A second betrayal

Many victims of criminal child abuse told the Committee that they felt a double betrayal by organisations—firstly, with the inadequate response they received and secondly, the organisation’s supportive response to the perpetrator. The inconsistent response of some organisations to victims and offenders contributed to a sense of betrayal.

As noted, on the one hand, victims had hoped that reporting the criminal abuse to the organisation would result in consequences for the perpetrator—in particular, seeing the perpetrator stood down from their position and reported to police. However,

261 *Transcript of evidence*, Mr Philip Nagle, p. 4.

262 *Transcript of evidence*, Mr Anthony & Mrs Chrissie Foster, p. 6.

many victims told of experiences in which the organisation did not remove the alleged perpetrator from their position or report them to police, but instead moved the perpetrator to another position in a different location.

In seeking support from the organisation, many victims had to disclose the details of their experience of abuse, which they often found very traumatic. As noted, the Committee heard of many situations in which the victims did not receive support through this process of recounting their abuse, yet discovered that the organisation had provided a range of supports to the alleged, and sometimes convicted, offender.

Mr Cherrie told the Committee that he struggled to understand the inconsistency in the Catholic Church's approach to victims and offenders:

The clergy, when they front up on abuse cases, they are given silks to represent them. [Cardinal George] Pell was asked just the other day what should victims do, and he said they can get legal aid. Where is the balance there? There is just no balance.²⁶³

In providing a rationale for the Catholic Church's decision to pay offenders' legal costs, Br Brian Brandon of the Christian Brothers said:

There are issues around struggles about legal aid and its capacity to provide support for justice in the criminal defence system ... we determined, as we generally do, to pay for the criminal defence of those within our family, and we try and do it as economically as we can.²⁶⁴

The Committee heard that this inconsistency leads victims to feel devalued, inadequately supported, unfairly treated and, ultimately, extremely resentful.

Mr Whelan also emphasised the outrage he felt about the Catholic Church's decision to support the perpetrator while giving little support to him as a victim:

For funds, let us start with what has been rumoured to have been spent by the Catholic Church defending this perpetrator and creep—\$400,000 plus. This would give me a great chance to support myself and be self sufficient in my own home.²⁶⁵

Mr Stephen Woods was equally outraged by the willingness of the Christian Brothers to defend a person who one victim referred to as a 'heinous sex criminal'.²⁶⁶ A victim of a different perpetrator expressed similar views and dismay:

It was a vigorous defence, and for a person who had no money allegedly, where did the money come from to defend the cases? Yet me, as the victim, has to fund my own cases. I have to fund all my costs. I had to fund the [victims of crime application], which I did. I then lodged a claim against him and bankrupted him, and the bankruptcy found that he had no assets. He had nothing at all. If he has no assets, where did he get the legal defence?²⁶⁷

The wife of one victim told the Committee:

They told us there was nothing we could do. Because he was in Samoa, they could not extradite him back from Samoa at the time. He was out of jurisdiction, so if we reported it to the police there was nothing they could do.'

263 *Transcript of evidence*, Mr Brian Cherrie, p. 5.

264 *Transcript of evidence*, Christian Brothers, p. 30.

265 *Transcript of evidence*, Mr Keith Whelan, p. 7.

266 *Transcript of evidence*, Mr Stephen Woods, p.8.

267 *Submission S462*, Name withheld.

She went on to explain her frustration: ‘Yet they could still pay him, by the way. He was still on the payroll as a Salesian, and they brought him back.’²⁶⁸

Another victim of a Salesian, Mr Saric, made the following point to the Committee:

In Australia the Catholic Church pays no council rates and has every conceivable tax exemption, and yet victims of clergy sexual abuse have to go to Centrelink ... for ongoing monetary support. We as taxpayers have to foot this ongoing bill.²⁶⁹

The inconsistencies regarding the Catholic Church treatment of victims and perpetrators contributed on many levels to a strong sense of justice being denied and a frustration that there is no alternate avenue to achieve justice. Chapter 21 in Part F discusses the actions of the Catholic Church in providing legal support for ministers of religion charged with criminal child abuse offences.

Moral authority—hypocrisy

A key issue was evident in the information presented by victims and their families: their struggle to understand the seeming hypocrisy of religious organisations that claim to set moral standards for society. The Committee heard that some religious organisations, while advocating moral standards that communities are expected to abide by, appeared incapable—or at times unwilling—to address an immoral crime committed by their own personnel.

The majority of such concerns related to the Catholic Church. Mr Saric explained his perception:

The more I delved into the sexual abuse of victims by clergy and systems, the more it struck me: where was the moral compass of the senior hierarchy and management of the Catholic Church in Australia? The senior hierarchy, instead of practising the first commandment, ‘Love one another as I have loved you’, has chosen a totalitarian management model of power, control and greed.²⁷⁰

One victim expressed the view that the Catholic Church is not committed to upholding its moral authority. This person argued that in managing issues arising from criminal child abuse, the Catholic Church’s most important consideration is its own reputation:

For a supposedly Christian organisation which espouses great views and harangues governments and organisations on moral and ethical issues, the Catholic Church in my and other people’s experience is no better than other ruthless businesses. They protect the brand at all costs. They do not practise what they preach, they are unaccountable and they refuse to show any hint of compassion to victims or their families.²⁷¹

Mr Nagle explained what this hypocrisy meant for him:

Once upon a time the Catholic clergy were held in the highest esteem, even above that of your parents. Not now.²⁷²

Many people expressed concern about the moral failings of those who espoused moral authority:

I do not think that there is any compensation that can replace a childhood. My mother

²⁶⁸ *Submission S472*, Name withheld.

²⁶⁹ *Transcript of evidence*, Mr Joseph Saric, p. 3.

²⁷⁰ *Transcript of evidence*, Mr Joseph Saric, p. 3.

²⁷¹ *Submission S454*, Name withheld.

²⁷² *Transcript of evidence*, Mr Philip Nagle, p. 3.

is also not over her sense of loss and her sense of being betrayed by who she thought of as moral authorities.²⁷³

They obviously raise particularly strong feelings, because it is not only criminal and abusive; it is also probably ... a particularly bad example of a breach of trust by someone whose whole existence is based around having moral authority.²⁷⁴

They are meant to be moral leaders of our society, and I just wonder—‘Thou shalt not sin’. A lot of sins were committed to innocent children in orphanages.²⁷⁵

The additional impact of spiritual abuse and associated spiritual trauma when abused by a figure purporting to be the representative of God on earth. It adds a whole other dimension to the impact and the damage.²⁷⁶

Ms Moloney summarised the views of many, asking:

Has the Catholic Church betrayed its own humanity? The lay community has the right to question why the most vulnerable and least powerful have been so wronged and sadly maligned by men who claim they have a mandate to proclaim the healing message of Christianity but who are indifferent to argument and compassion.²⁷⁷

5.5.2. Lack of accountability

Also contributing to many victims’ feelings of unfinished business was the refusal by some organisations to accept responsibility for failing in their duty to protect children in their care from harm. The Committee heard that victims and their families want organisations in these circumstances to be accountable for their failure to protect.

In coming to terms with his experience of criminal abuse as a child and finding justice, Mr Nagle explained to the Inquiry:

This is fixable. The wrongdoing here should be a priority in moving forward ...

They cannot undo what happened to me. However, like all problems, you will certainly be measured on what you did about it. My challenge to the Catholic clergy is to be serious about the way they handle the wrongdoings.²⁷⁸

For many victims who appeared before the Inquiry, however, the seeming refusal of organisations to genuinely accept responsibility for wrongdoings by personnel under their direction was the cause of a great sense of injustice.

One victim told the Committee that justice for her meant that ‘the church ... be accountable, as all authorities should be, to scrutiny, legal jurisdiction and socially mandated checks and balances.’²⁷⁹ Another explained:

Institutions within the Church, such as schools or individual religious orders, which have a duty of care should be held accountable for the crimes of their members. The right and proper compensatory outcomes to deal with the effects of abuse on victims should not be dependent on whether priests who commit crimes are under a supposed vow of poverty.²⁸⁰

273 *Submission S474*, Name withheld.

274 *Transcript of evidence*, Professor Paul Mullen, Melbourne, 15 March 2013, p. 7.

275 *Submission S473*, Name withheld.

276 *Transcript of evidence*, Survivors Network of those Abused by Priests (SNAP), p. 14.

277 *Transcript of evidence*, Ms Carmel Moloney, p. 3.

278 *Transcript of evidence*, Mr Philip Nagle, p. 3.

279 *Submission S469*, Name withheld.

280 *Submission S474*, Name withheld.

Many others had similar views on what justice meant for them in the context of accountability. For example:

I hope that you members find the strength to make the [Catholic] church accountable—transparency ... to accept responsibility and not leave people in limbo.²⁸¹

I would like to see greater transparency in their processes and more accountability.²⁸²

I think we have to get to make institutions—and I know it is sort of an easy statement around accountability. What does that look like? It is not so much accountability for actions but accountability for having safe places.²⁸³

Any denomination or institution be held fully responsible for their actions, face substantial compensation plus medical and psychiatric costs of all abused children, not just sexual abuse but all abuse, and a genuine and sincere apology be given by church and institutions for what was done in their name.²⁸⁴

I think there needs to be complete accountability ... There should be one law for every person in this country.²⁸⁵

Victims and their families expressed anger and outrage about some of the actions of organisations that did not demonstrate accountability. One victim explained that ‘On a fundamental level it is disingenuous to allow an organisation accused of these kind of crimes to self regulate effectively by taking care of these matters privately. It is just wrong.’²⁸⁶ Ms Moloney, a concerned community member, made the strong statement asking ‘What right has a bishop to forgive and let off the hook a paedophile priest? It should be dealt with by the police, the authorities and the government.’²⁸⁷

The wife of one victim pointed to the outcomes of this lack of accountability. She said, ‘But they knew. They just moved him from parish to parish and tried to just shut it down and pretend it never happened and just, “Go away”. They were little boys.’²⁸⁸

Mr Saric told the Inquiry that in the context of the Catholic Church internal processes:

The main problem with this system is that it acts as judge, jury and executioner with no reference to secular authorities or systems. The two processes are privatised. The church is not accountable to any secular authority and there is no external review of the processes ...

The Catholic Church will only secede to a greater power than itself, and that is the State and Federal governments. Law has to change in both parliaments so the Catholic Church is no longer an institution and a law unto itself. It has to answer to secular law, Parliament and the Australian people.²⁸⁹

Fr Dillon also emphasised this point, stating: ‘I think that often the church operates on a lack of accountability. It runs its own show. It is separate from everyone else, and that is not healthy. We all should be accountable, including parish priests.’²⁹⁰

281 *Transcript of evidence*, Mr Peter Komiazyk, p. 3.

282 *Transcript of evidence*, Ms Mary Rutledge, Melbourne, 1 March 2013, p. 4.

283 *Submission S471*, Name withheld.

284 *Transcript of evidence*, Mr Wayne Davis, p. 3.

285 *Transcript of evidence*, Mr Ian Lawther, Melbourne, 23 November 2012, p. 3.

286 *Submission S474*, Name withheld.

287 *Transcript of evidence*, Ms Carmel Moloney, p. 6.

288 *Submission S478*, Name withheld.

289 *Transcript of evidence*, Mr Joseph Saric, p. 3.

290 *Transcript of evidence*, Father Kevin Dillon, p. 6.

He indicated his awareness of the impact on victims of the injustice of failing to be accountable:

... out of respect for this gathering, I thought I should put on a jacket and Roman collar, as I would normally do for formal gatherings, but I am conscious of the fact that there are people in this room who have been extremely wounded by the church ... even the sight of a priest in a Roman collar can be enough to certainly offend, if not really disturb, people who have been so badly hurt within the church.²⁹¹

What should accountability look like?

Many victims, their families and community members told the Inquiry what they thought accountability would look like. The Committee heard that the government and the legal system have a key role in ensuring the accountability of non-government agencies for child abuse in their organisations.

As a parent of two victims of criminal child abuse, Mr Foster explained to the Inquiry the way in which he thinks the Catholic Church needs to be held accountable and the important role of Victoria's legal system:

We need to have victims be able to get accountability from the church in the full terms of what our civil legal system would have allowed them, rather than this quasi-independent system that is imposed on victims by a foreign state and a foreign set of laws.²⁹²

Mr Mark Fabbro of SNAP gave his views on the key role of the Parliament in making organisations accountable:

Given that the Roman Catholic Church in Australia wields a lot of political influence and holds considerable legal privilege, I think it is going to require some courage from the elected representatives in Victoria to really get some change happening and bring the church to some sort of account.²⁹³

Mr Bartl, a Catholic Church community member, emphasised the role of the Victorian Government in ensuring that religious entities are accountable in their duty of care:

The State of Victoria ... may share responsibility in permitting the Roman Catholic dioceses in its jurisdiction to avoid proper scrutiny and accountability, and the dioceses being required to provide redress ... This is about State laws and procedures that may impede proper scrutiny and accountability and allow Roman Catholic institutions to avoid restitution, restoration and redress.²⁹⁴

5.6. Other authorities

The Committee also heard the views of victims relating to the intervention of other authorities. These included the Government and police. These experiences often related to victims of criminal child abuse who had been in the care of the State. In particular, participants told the Inquiry that their experience would have been different if the relevant authorities had honoured their responsibilities.

Adding to the sense of injustice experienced by victims was the:

- lack of supervision—inadequate government inspectors and monitoring

291 *Transcript of evidence*, Father Kevin Dillon, p. 4.

292 *Transcript of evidence*, Mr Anthony & Mrs Chrissie Foster, p. 15.

293 *Transcript of evidence*, Survivors Network of those Abused by Priests (SNAP), p. 22.

294 *Transcript of evidence*, Mr Bernd Bartl, p. 3.

- lack of intervention—the police often escorted those who escaped back to the institution.

5.6.1. Lack of monitoring

The Committee heard that while victims felt betrayed by organisations, they also felt betrayed by the Government and its lack of oversight of institutions in the past. Some victims were in the care of the State during their childhood and lived in institutions operated by non-government organisations. They explained that their circumstances may have been different if the Government had stronger monitoring and supervision mechanisms. Some felt that the opportunity to identify and effectively respond to child abuse in organisations had been missed due to a lack of monitoring. For example, ‘the Salvation Army had a duty of care, but so did the Victorian government’.²⁹⁵

One victim explained how the system appeared to work from his perspective as a child in an organisation in which he was subjected to physical, emotional and sexual abuse:

In the orphanage there were some opportunities and attempts to report the abuses that were common practice. We had a little bit of a chance. At times government inspectors visited the orphanage I was in. We were warned to be on our best behaviour on that day, or else punishment. New quilts were issued, and new clothes, to be returned as soon as the inspectors left. No child dare tell any inspectors about how we were treated. It is strange how no inspector picked up on how badly the boys were treated, or were they more interested in keeping their jobs?²⁹⁶

Mr Gordon Hill explained to the Inquiry his experience of government inspectors, noting that:

They did not bother to come and check these kids out. Foster families now are a lot different to home families and what we used to go through. A government agency is supposed have inspectors. They used to come to the home. We were isolated. We were the ones who had to cook scones and tea and everything for them. They used to go down to the parlour. They never used to come and see the conditions.²⁹⁷

The Committee heard that victims would like to see the Government play a stronger role in monitoring and supervising organisations where children might be at risk of abuse. For example, Mr Johnson explained that he ‘would like to see the government step in on these people and at least screen them or whatever they do to make sure that it does not happen again.’²⁹⁸ Mr Frederiksen expressed similar views, stating that he believed ‘there has got to be an audit process or a control process’ and that ‘all State and non-government schools must be subject to the same level of public reporting and auditing of sexual assaults’.²⁹⁹

Part E discusses the importance of monitoring by the appropriate and relevant government and statutory bodies.

²⁹⁵ *Transcript of evidence*, Mr Brian Cherrie, p. 4.

²⁹⁶ *Submission S473*, Name withheld.

²⁹⁷ *Transcript of evidence*, Mr Gordon Hill, Melbourne, 26 March 2013, p. 5.

²⁹⁸ *Transcript of evidence*, Mr Max Johnson, p. 3.

²⁹⁹ *Transcript of evidence*, Mr John Frederiksen, p. 3.

5.6.2. Police response to allegations of child abuse

A number of victims said that the police did not provide the level of support, intervention and investigation they had hoped to receive when they reported their abuse both in the past and even more recently. The issue of reporting allegations of criminal child abuse to the police is considered in Chapter 23 in Part G.

Mr Peter Komiazyk had reported his experience to the police but they did not provide the response he expected. He told the Inquiry:

I took this upon myself some years ago now to actually go to the police. I made a statement. The process that I went through with the police—I have no confidence within the police. There is a crucial statement that was lost, so I had to sign another statement, and I have heard nothing since. That is probably about 12 months ago now.

I have no faith in the church. I have no faith in those investigating the child abuse at all, whether it is the police—I suppose I am a sceptic.³⁰⁰

Mr Hugh McGowan advised the Inquiry that the police had not investigated matters to the extent that he had hoped and anticipated:

I have since learnt that that man was being investigated by either the Victorian police or the DPP [Director of Public Prosecutions] in 1997. A number of men who were in Dhurringile in the mid to late 1950s had reported sexual abuse by him. I believe the investigation was abandoned when he died on 16 November 1997. If that is so, I do not know why it was a catalyst to stop the inquiry. I think it warrants an examination as to why the investigation was stopped.³⁰¹

Another victim had found the process of speaking with the police intimidating and uncomfortable. She explained:

I went to the Geelong police station and gave a statement. I am so glad that things have changed now, because I was so uncomfortable. They took me into a room. Thank God I had a female police lady, but while I was giving my statement policemen were walking in and staff were walking in and out, and I felt very, very uncomfortable. I know now that is not going to happen to anyone else. It was very debilitating.³⁰²

Other victims acknowledged that the police had made efforts to change their processes. For example, Mr Saric said:

I will be honest with you that I would be quite comfortable in going back and talking to the police now. I was not comfortable before, because I did not believe their systems were properly in place.³⁰³

300 *Transcript of evidence*, Mr Peter Komiazyk, p. 2.

301 *Transcript of evidence*, Mr Hugh McGowan, p. 3.

302 *Transcript of evidence*, Ms Sandra Higgs, p. 3.

303 *Transcript of evidence*, Mr Joseph Saric, p. 8.

Finding 5.5

While not within the Terms of Reference, a number of victims, particularly those in the care of the State, felt betrayed by authorities, such as the Government and the police, for the following reasons:

- lack of supervision—inadequate government inspectors and monitoring of the non-government institutions in which they were placed
- lack of intervention—the police often escorted those who escaped back to the non-government institution.

5.7. Achieving justice—where next?

In view of the sense of unfinished business identified through the Inquiry and the ongoing grievances of many victims, families and communities, the Committee considered it important to answer the question—where to next in achieving justice? The Committee also considered how the Victorian Government can support and facilitate the next steps.

The Committee acknowledged that for some victims, the damage they have suffered is so great that they are unlikely to ever experience the sense of justice they may be looking for. Mr Saric articulated the challenge that victims' distrust presents for the Catholic Church in particular:

What we need now is honesty, not more denial and not more media spin, because ultimately this has led to a flood of distrust amongst victims. The fact is that the church's credibility, trust and respect from its parishioners has been lost on a scale more damaging than any financial compensation the church has to deliver.³⁰⁴

The Committee heard a strong message that exposing the truth about criminal child abuse in religious and non-government organisations is a key part of achieving justice and moving forward. Some spoke of the important role of inquiries and truth commissions in exposing the truth about the existence and consequences of systemic child abuse in some non-government organisations.

SNAP told the Committee that it considered exposing the truth an important first step in achieving justice for victims of child abuse. Mr Mark Fabbro explained that what is 'important to survivors is that the truth of the matter be got to by the secular authorities so that we really do know the extent of the problem.'³⁰⁵

Ms Moloney suggested to the Committee that 'if the truth offends you, it is better to be offended than the truth to be concealed.'³⁰⁶

Some explained the importance of an inquiry in understanding the extent of the problem of criminal child abuse in organisations. Mr Foster, for example, told the Committee:

For 16 years we have fought long and hard for an official inquiry into the dreadful actions of the leaders of the Catholic Church and their systemic cover up of the horrific sexual crimes perpetrated by their clergy against so many innocent children.³⁰⁷

³⁰⁴ *Transcript of evidence*, Mr Joseph Saric, p. 3.

³⁰⁵ *Transcript of evidence*, Survivors Network of those Abused by Priests (SNAP), p. 13.

³⁰⁶ *Transcript of evidence*, Ms Carmel Moloney, p. 3.

³⁰⁷ *Transcript of evidence*, Mr Anthony & Mrs Chrissie Foster, p. 3.

Ms Ashcroft referred to the potential value of a public inquiry into criminal child abuse and how it has been handled by non-government organisations:

I am hoping that this inquiry and the royal commission, when that happens as well, will give the public a real picture of what is going on and give them a chance to speak out, because I feel that a lot of people do want to speak out ... they feel they need permission to be able to speak.³⁰⁸

Many thought there was a need for an investigation by non-government organisations themselves to identify systemic child abuse, particularly in the Catholic Church. For example, a former priest in the Catholic Church, Mr Phil O'Donnell, raised a number of rhetorical questions that he had previously put to the Church in 1993:

Why didn't the Archbishop initiate an investigation once a formal complaint of serious substance had been personally made to him?³⁰⁹

How genuinely healing it would have been if the Pope had pledged a thorough and rigorous open investigation into the problems ... of the Universal Church.³¹⁰

How much more respect would the Church engender if it had the courage to call for a full and open independent investigation of sexual abuse of all children, not just those abused by Catholic clergy, in Australia.³¹¹

Yet, like many others, Mr O'Donnell acknowledged that:

Many of us feel uncomfortable with only internal investigations of serious matters. An example is the police investigating police corruption/abuse. Noone is saying that the police investigators are corrupt or compromised. It's just that 'in house' investigations do not inspire public confidence. The old adage, 'Not only should justice be done, it should be seen to be done', applies in these matters. This is even more important when the investigations are of a serious criminal nature, as is child sexual assault.³¹²

Chapter 7 in Part C provides a detailed account of the past handling of child abuse in non-government organisations, particularly the Catholic Church, the Salvation Army and the Anglican Church. It outlines the Committee's findings from its evidence-gathering and the analysis of documents it accessed from organisations.

To conclude, the nature of the justice desired by victims and their families includes improved prevention, improved responses to allegations of criminal child abuse and reforms to the civil and criminal justice systems. Table 5.1 outlines these in more detail and links them to the relevant parts of this Report.

308 *Transcript of evidence*, Ms Mairead Ashcroft, p. 2.

309 *Submission S104 part 1*, Mr Phil O'Donnell, p. 27. Mr Phil O'Donnell makes a number of recommendations in regard to these issues in his submission.

310 *Submission S104 part 2*, Mr Phil O'Donnell, p. 51.

311 *Submission S104 part 2*, Mr Phil O'Donnell, p. 51.

312 *Submission S104 part 1*, Mr Phil O'Donnell, p. 10.

Table 5.1: Areas for improvement in responding to child abuse in non-government organisations

Improvement	Description
Prevention	Victims suggested that it is important to create child-safe cultures to prevent criminal child abuse in organisations (Part D of report).
Responses to allegations of child abuse in non-government organisations	Victims suggested that organisations need to change their systems and processes, and that these processes need to be effective and monitored by an independent statutory authority and that governments have a key supervision role (Part E of report).
Reforms to criminal law	Victims wanted to see the criminal justice system extended to enable perpetrators to be prosecuted and punished and also for individuals in organisations who conceal crimes to be punished (Part G of report).
Reforms to civil laws	Many victims told the Inquiry there is a need to make it easier for victims to sue organisations and that reforms to civil laws are necessary to do this (Part H of report).
Alternative forms of justice	A number of victims explained that not everyone wanted to or could make claims through the civil justice system; some wanted to seek other forms of justice (such as ongoing counselling or an apology) and suggested alternative avenues to achieve this (Part H of report).

Source: Compiled by the Family and Community Development Committee.