



COVER PAGE – SEE OVER FOR CONTENTS

Victorian Government Inquiry into the Handling of Child Abuse by Religious and Other Organisations

United in Truth

In Good Faith and Associates (1997 - ongoing)

Consultants Responding to Clergy and Religious Sexual Assault and Systemic Church Abuses

with

The Melbourne Victims' Collective (2006 - ongoing)

Combined Submission

In Good Faith and Associates (IGFA) is an interfaith service founded in 1997 by pastoral consultant Helen Last, who continues as Director. IGFA provides professional advocacy, education and support to victims of clergy and religious sexual assault and systemic church abuses. It assists families, groups, communities and organisations to address the long term impacts of their abuse within currently unhelpful contexts and cultures. One of IGFA's major long-term works is the Melbourne Victims' Collective providing communal support and interrelated purpose.

IGFA's independent response model has been to establish and maintain a range of pathways for victims seeking healing, justice, restitution and resolution. Associates assisting victims on these pathways include specialist practitioners, victims' lawyers, sexual trauma psychologists and counsellors, police representatives, police liaison officers and clergy of integrity.

The 16 years of IGFA's work has been funded in the main by a private benefactor with donations from pastoral and individual donors, victims, IGFA supporters and, in the past fees for service. Through this generous support IGFA continues to provide an administrative centre which initiates and sustains a range of projects including the major work of the Melbourne Victims Collective founded in 2006.¹

Helen Last is in her 26th year of contribution to this important field. Commencing at The Royal Women's Hospital Centre Against Sexual Assault (for 7 years), the Melbourne Catholic Archdiocese Pastoral Response Office endorsed by Archbishop Frank Little (3.5 years), founder and director of In Good Faith and Associates Melbourne (15+ years). Her expertise includes pastoral care, counsel and advocacy, education, research, publishing and community development in the area of clergy and religious sexual assault and systemic church abuse.

The following Submission to the Victorian Government Inquiry focuses on the Melbourne Victims' Collective as a historical, victim-centric model.

**This submission has been prepared by
In Good Faith and Associates with MVC members.
October, 2012**

FOLLOWING IS CONTENTS PAGE TO SUBMISSION & APPENDICES

¹ Refer to Appendix 1: *IGFA Consultancy Projects 2012*

SUBMISSION CONTENTS to Pages 3 to 47

SECTIONS 1 - 9	PAGE NUMBER
1. Founding The Melbourne Victims' Collective.....	4
█	█
3. Shortcomings of Mental Health care within <i>The Melbourne Response</i>	16
4. Growing a Survivors Community	18
5. Perpetuating Clergy Sexual Offending in the Melbourne Archdiocese, Victoria & Further Afield..	19
█	█
6. Melbourne Victims' Collective Vision for a Reformed Church – November 2010.....	39
7. Common Legal Barriers for Victims Considering Civil Action	43
8. Suggestions for the Improvements of Handling of Child Abuse by the Church	44
9. Appendices	48

ITEMISED APPENDICES LIST from Page 47 onwards

- Please ignore Appendices own page numbers – check Header for Appendix No#

1. In Good Faith and Associates – Information on Strategic Consultation, (1997 to ongoing) p. 1 - 2.
2. Towards Justice: The Charter of the Melbourne Victims' Collective, (2008) p. 1 – 8.
3. A Continuum of Clerical Abuse, Last, H & Lisbon, M. (2007) p. 1
4. Trauma and Recovery, Lewis Herman, J. (1992, 2001 reprint with new afterword) p. 207-211
5. Handbook on Justice for Victims, United Nations Office for Drug Control & Crime Prevention (1999) p. 4 - 5
6. Core Restorative Justice Values, Relational Approaches (2009) p. 1-2.
7. Practice what you preach: using restorative justice as an alternative to clergy abuse, Condliffe, P. (2009) p. 1 - 5
8. Letter of correspondence (19/07/2008), Bishop G. Robinson to Melbourne Victims' Collective
9. Letter of correspondence (26/09/2008), Bishop M. Malone to Melbourne Victims' Collective
10. Letter of correspondence (30/06/2008), Independent Commissioner to Paul Holdway
11. Letter of correspondence (12/10/2008), Melbourne Victims' Collective reply to Ind. Commissioner
12. Learning From the Past - Submission to Vic Government Inquiry 'Protecting Victoria's Vulnerable Children', Krstic, P. with M.V.C. (2011) p. 2 - 11
13. Submission to the Attorney-General of Victoria: Clergy Sexual Abuse in the Catholic Archdiocese of Melbourne & Victoria, Melbourne Victims' Collective (2011) p. 1 - 114
14. MVC Media Releases (4/07/2008) and (12/07/2008)
15. MVC Community Education Forums: Melbourne (18/07/2012) and Ballarat (13/08/2012)
16. The AGE article: The Price of Battling Paedophilia, Zwart, B. (17/09/2012) p. 1 - 4
17. The AGE article: An Unbearable Secret, Baker, R. & McKenzie, N. (06/06/2012) p. 1 - 5
18. Best practice in helping people exposed to bad events, Woodger, N. (2012)
19. Principles for Advocating Justice and Healing, In Good Faith and Associates, for MVC (1997)
20. MVC Briefing on The Melbourne Response, Last, H. For MVC (2010) p. 1 - 4
21. Letter of correspondence (13/12/2011), MVC to Chief Commissioner of Victoria Police, p. 1 – 3
22. Societas Perfecta, en.wikipedia.org/wiki/Societas_Perfecta (Webpage accessed 2012)
23. MVC Ten Commandments For Reform, Melbourne Victims' Collective (2011)

1. FOUNDING THE MELBOURNE VICTIMS' COLLECTIVE

The Melbourne Victims' Collective (MVC) was organised in 2006 to help people who were coming forward in constant numbers to independent practitioners, carrying the burdens of childhood and vulnerable adult sexual assaults committed on them by offenders including clergy and religious leaders, teachers, mentors and carers. These broken people were expressing that their original wounding was still "alive" with a plethora of ongoing problems and losses. To the practitioners' dismay they spoke individually of their trauma which had become further compounded in the past sixteen years through going to established church "responses" hoping for the "healing and justice" promoted in church materials. Victims reported finding more experiences of harm and betrayal.

The gravity of this situation involving victims had to be communicated safely, acknowledgement of them was vital and immediate solutions had to be found as the wellbeing of many vulnerable people was at stake. The nature and causes of their individual suffering was not only to be recognised, but could also with the victims' authority become a collective body of evidence for the immediate work of addressing change. The scope and extent of the original offences and further abuses by church authorities and their "handling" systems was so grave just within this group of Melbourne Archdiocese survivors to warrant a number of associated professionals to envisage immediate and supportive group action.

This group of survivors and professionals explored methods such as civil class action, social justice campaigning and proven strategies to achieve time-critical reforms. They launched their campaign to connect and collaborate with significant survivors' groups, organisations and institutions that are also participating in the complex field of clergy sexual and church abuses.

The MVC was founded with immense courage and has continued to achieve its purpose and goals on few monetary resources. The work of the Collective has been and still is in the main, unfunded. Administrative and organisational capabilities are provided by consultants at In Good Faith and Associates, with further time and facilities donated by Lewis Holdway Lawyers. Leaders and members of the Collective have generously contributed in the spirit of maintaining a unique survivor's community and its goal to seek justice for clergy and religious survivors no matter how long this may take.

The MVC's first major documented campaign step was to develop our cornerstone document, *Towards Justice: The Charter - Acting against abuses from Clergy, Religious and Lay Personnel in the Melbourne Catholic Archdiocese*. Distributed in June 2008, it sought to announce our existence as a survivors' constituency facing the church and its responses. It was primarily developed for the attention of the church and was consequently sent to church hierarchy throughout Australia, including the Papal Nuncio of the day, the Vatican's representative.

The Charter announced the setting up of a significant victims' group in Melbourne:

'The Melbourne Victims' Collective comprises more than 30 people in 2008 (60+ in 2012). Members of this Collective have experienced the consequences of primary, secondary, tertiary and/or systemic abuses by clergy, religious and lay personnel within the Melbourne Catholic Archdiocese. These abuses date from approximately 1948 to 2008, across the tenure of five Archbishops. The Collective includes independent practitioners with a combined 60 years of legal, pastoral, psychiatric and psychological expertise in their work with clients abused within religious settings. *Towards Justice: The Charter* expresses the opinion of the Melbourne Victims' Collective and is based on case materials from numerous victims.²

² Refer to Appendix 2: *Towards Justice – The Charter*

This eight page Charter includes: victims' particular descriptions of deficiencies, the structural flaws of *The Melbourne Response* with comparison to international church responses, a pastoral response framework, a call to practical action on the basis of peace, safety, justice and truth, and a visionary mission statement.

In 2012, the MVC continues its comprehensive analysis of *The Melbourne Response* with continual consensus on actions to produce reform. It now has more survivors as it networks across Victoria. The MVC represents more than sixty primary, secondary and tertiary victims,³ with over ten supporting practitioners from mental health, law, pastoral care (clergy), police liaison, education, media and community development. Further members include leaders from other victims' support groups, for example C.R.I (Clergy Related Injury, Ballarat), F.T.I (For The Innocents, Melbourne), Victims of Crime (Victoria), S.N.A.P (Survivors Network of those Abused by Priests) and representatives from Geelong, who are in the process of forming a support network in contact with Barwon CASA.

The MVC communicates information, strategies and invitations to work together with other victims' advocates, support groups, services and individuals. These broader connections provide access and insight into the functioning of the *Towards Healing* church response across Victoria as victims who have been sent to *Towards Healing* from different diocese within Victoria can now share their experiences within the MVC.

The MVC was founded as an example of the courage and determination of survivors to make a difference in their lives and the lives of so many others; to give their suffering meaning. Like most survivors and grassroots movements, the MVC has had few operational resources to be taking on its truth-telling mission and giving rise to conflict with a powerful worldwide religious institution, challenging it at the local level.

The MVC has not shied away from wanting to take its place in a complex field of church responses, social and wider institutional responses, state government, justice and policing, child protection and human services responses; each with representatives, policies and procedures working in response to the continuum of sexual abuses in the Australian community. Like other victims' groups the MVC has wanted to bring the undeniable existence of church abuse with its serious serial sexual offences into this larger arena of awareness and responses. Media assistance has been outstanding in shining the light on this message and its obvious implications in Victoria. This timely exposure of cover-ups of abuses by trusted church professionals and worldwide counterparts has been gathering momentum in Victoria. Therefore, the MVC has been working with key organisations including the Victorian police and the media, sexual assault and victims of crime services and others already in this critical field.

We believe that the MVC is unique in Australia for its strong foundations based on experiential and theoretical knowledge, its membership diversity and its ability for campaigning. At its core MVC members have also sought to achieve recognition of the personal costs of their contributions. These include the complex post trauma they have had to endure and further life impacts they bear as a result of years of hard work together on the interface. MVC members have been committed to this dimension of hardship in the belief that it would lead to deeper capacities for institutional empathy to all survivors. To be able to sustain a victims' Collective over six years and into the future, the MVC has worked consistently with In Good Faith and its expert associates to implement guiding principles and best practice from projects around the world.

The MVC adopted from social teaching and historical justice movements the integral practice of promotion of individual dignity, working for the common good, decision making powers for each collective member and acting in solidarity within and without the Collective. Our holistic research included but was not limited to the following: insights gained from academic materials including Judith Herman's work, *Trauma and Recovery: from Domestic Abuse to Political Terror*,⁴ pointing towards understanding Post Traumatic Stress Disorder and the development of Complex Post Traumatic Stress Disorder in victims. Herman also espouses the significant "reconnection" for survivors when they join in a work of "mission" which assists communal restoration and resolution. *The United Nations Handbook on Justice for Victims: On the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*⁵ is a

³ Refer to Appendix 3: *Continuum of Clerical Abuse* for definitions

⁴ Refer to Appendices 4 for a partial copy of the text

⁵ Refer to Appendix 5: *Handbook on Justice for Victims*

central text to survivors' current circumstances through its exposition on international standards models established for the protection and ongoing care of survivors.

To be a vehicle for best practice, the MVC has connected with mentoring and expertise from VARJ (Victorian Association of Restorative Justice) including their development of ethical standards and accreditation program, constant professional development, research and application of restorative justice practices to a range of contexts in education, juvenile justice and other fields, including clergy sexual abuse. Sources assisting MVC work are Dr. Derek Brooks, *Core Restorative Justice Values*⁶ and Dr. Peter Condliffe, *Practice What You Preach*.⁷

The MVC has applied restorative justice processes to its regular monthly meetings and their 2010 'Restorative Dialogues' public education forum on clergy and systemic church abuse. In 2011, MVC members chose to assist clergy from the Melbourne Archdiocese over six supported and frameworked sessions. 'Restorative Dialogues' dealt with the harm, the help needed and the shared responsibility taken for finding ways to restitution and resolution of the harms. No such conversations have been held over 16 years of *The Melbourne Response* or *Towards Healing* in Victoria or Australia - leading to chasms of silence and misunderstandings with no available conflict resolution, mediation or pastoral methodologies to change this.

Worldwide research applied to the MVC highlights the need for expert and values based leadership, sadly lacking in this critical field but particularly apparent in religious institutional responses. Leaders in other places are working collaboratively with individuals and groups of survivors providing the leaders with necessary feedback loops enable the organisational structure to address the cultures that perpetuate clerical abuse. Working with individuals and groups of traumatised victims also requires advocacy; to open up independent pathways for victims and increase their capacity for survival and perseverance in difficult contexts. This systemic advocacy has been used to assist the members of the MVC in the situation of a lack of transparent and accountable pathways as exemplified by *The Melbourne Response*.

Some responses from the church hierarchy were supportive to the Charter. But overall the lack of leadership demonstrated in the responses from the Melbourne Archdiocese, other Victorian dioceses and heads of religious orders led to the MVC refocusing on what became further unsuccessful communications with the church.^{8 9} Throughout the six years of the MVC 's existence, the Melbourne Archdiocese has never proactively sought communication with this group of victims or its representatives, except for issuing legalistic correspondence and requesting MVC leaders to provide some inappropriate and compromising information to *The Melbourne Response* and church representatives.¹⁰ These communications confirmed that there was a profound lack of understanding upon which to base conferencing about the difficult issues raised by dealing with clergy, religious and systemic church abuse¹¹.

Consequently, the MVC turned its communications toward significant Victorian government initiatives and representatives. At this time, the government was conducting an *Inquiry into Protecting Victoria's Vulnerable Children* chaired by Justice Cummins, with Emeritus Professor Dorothy Scott and Mr. Bill Scales AO. Leaders of the MVC presented the submission, *Learning From the Past, Challenging the Present, Creating The Future*¹² at a public sitting. In conclusion, Cummins' final report made recommendations about the need to enquire into the handling of child abuse by religious and non-government organisations and the potential legal consequences for non-transparent and unaccountable processes. The MVC also prepared a document for the attention of the Attorney General, Robert Clark, titled *Clergy Sexual Abuse in*

⁶ Refer to Appendix 6: *Core Restorative Justice Values*

⁷ Refer to Appendix 7: *Practice what you preach*

⁸ Refer to Appendix 8: Letter G Robinson to MVC

⁹ Refer to Appendix 9: Letter M Malone to MVC

¹⁰ Refer to Appendix 10: Letter IC to Paul Holdway

¹¹ Refer to Appendix 11: Letter MVC to IC

¹² Refer to Appendix 12: *Learning from the past*

the Catholic Archdiocese of Melbourne and the State of Victorian,¹³ based on our collective knowledge, research and goals which included establishing a Victorian Government Inquiry.

Communications had already been building over many years with the public through a variety of media. The MVC contributed as one voice with different stories to tell the wider Victorian and national community. The problems encountered when victims went through church processes could no longer be ignored and with media also leading the call for examination and assessment of victims' experiences, momentum for achieving an independent and rigorous Inquiry process could no longer be suppressed.¹⁴

Communication with police representatives led victims within the MVC, who had only gone to church processes (*The Melbourne Response* and *Towards Healing*), to fully grasping that they are primarily victims of crimes. They have experienced serious and often serial sexual and physical assaults by priests, nuns, brothers and lay people working within the Melbourne Archdiocese. MVC members realised that they have been steered off the critical option of police consultation, professional statement taking and investigation and entrance to criminal justice processes.

The Melbourne Response (Independent Commissioner) was now clearly seen to be leaving the whole area of clergy and religious criminality inadequately addressed, without sufficient information given to victims about current policing standards, processes and liaison assistance. The MVC set about building these proper professional police links for themselves and gaining breakthroughs with some of their cases previously unreported as crimes. This criminal reporting caused a major awareness shift for survivors along with trends in overseas criminal cases now investigating the concealment of crimes, perverting the course of justice and other breeches of law by church administration, leaders and hierarchy.

This understanding within MVC members of not receiving sufficient introduction and support to make an informed choice about using policing pathways to address their assaults, deepened the MVC's resolve to reach out to other victims and confront the confounding institutional responses now clearly understood. Survivors throughout Victoria are continually expressing their isolation and vulnerability to the power and "ad hoc" responses of church institutions with particular attention on *The Melbourne Response*. Thus, MVC leaders have maintained a communal safer space (the MVC) as Victorian churches have maintained procedures that prioritise the separation of victims (applicable to individual privacy and confidential case work). However, victims' testimonies confirm that this practice has led to the segregation of victims and the diminishing of any collective voice and power - with the exception of the MVC.

From the announcement of the current Victorian Parliamentary Inquiry the MVC assisted by IGFA has continued to document the specific needs, contexts of vulnerability, mental health issues, barriers to disclosing and further difficulties for victims when requested to make submissions to the current Inquiry. Our representation of these hurdles have been described in the document *Creating Better Outcomes: Recommendations on the Structure of the Victorian State Government Inquiry into the Handling of Child Abuse by Religious and Other Organisations*, and presented to the Parliamentary Committee in its first phase. MVC members with IGFA have then presented 5 Information Forums in Melbourne and major regional centres speaking to over 500 people about the Inquiry submissions request and providing practical guidelines for making these submissions.¹⁵ Again our survivors Collective provided written recommendations based on our knowledge of international best practice emerging from similar clergy, religious and church abuse crises overseas.

¹³ Refer to Appendix 13: Submission to the Attorney General

¹⁴ Refer to Appendix 14: MVC Media Releases

¹⁵ Refer to Appendix 15: MVC Forums

Throughout its 6 year existence the MVC has enshrined the collective power of survivors' voices and the success achieved through working in solidarity within the compilation of major documents which are nominated below:

- *Towards Justice: The Charter - Acting against abuses from Clergy, Religious and Lay Personnel in the Melbourne Catholic Archdiocese* (June 2008)¹⁶
- *Learning From the Past, Challenging the Present, Creating The Future – Submission to the Protecting Victoria's Vulnerable Children Inquiry* (June 2011)¹⁷
- *Clergy Sexual Abuse in the Catholic Archdiocese of Melbourne and the State of Victoria* (September 2011)¹⁸
- *Creating Better Outcomes: Recommendations on the structure of the Victorian State Government Inquiry into the Handling of Child Abuse by Religious and Other Organisations* (June 2012). Prepared by consultants In Good Faith and Associates.

¹⁶ Refer to Appendix 2: *Towards Justice - The Charter*

¹⁷ Refer to Appendix 12: *Learning from the Past*

¹⁸ Refer to Appendix 13: *Submission to Attorney General*

3. SHORTCOMINGS OF MENTAL HEALTH CARE WITHIN *THE MELBOURNE RESPONSE*

When you look into the immediate shocks to the child or vulnerable adult that can result from the original clerical or religious sexual attacks, and add on the power and role of a “religious” sex offender and the development of symptoms post-attack – that in the main have not been given the medical care, psychological intervention or remedial family assistance required – it is of vital importance that adult victims of childhood sexual abuse have the best mental health care available and the most abundant resources available to them. The provision of therapy to families, couples and important relationships for victims is highly significant as clergy sexual abuse does not happen outside of these interconnections (for the victims) and the original assaults send shockwaves throughout all levels of relationships and social interactions.

It is an indictment on the Australian church that no framework for mental health care for clergy assault victims exists. Nor have the services available for victims adequately reflected best practice in response to these multi-layered impacts and religious context, which require thorough research and theoretical documentation informing provision of services.

MVC survivors bear witness to the now common phenomena identified as the re-traumatising of primary and secondary victims through church responses. Members talk about their experiences in the *Age* newspaper articles *The Price of Battling Paedophilia*¹⁹ and *An Unbearable Secret*²⁰. The MVC by its very existence is evidence of the fact that Post Traumatic Stress Disorder can develop from primary, secondary and tertiary abuse, with progression into Complex PTSD occurring as a result of protracted exposure to harmful church systems.

The Complex PTSD construct is outlined here:

“PTSD [sufferers] describe themselves as fundamentally changed after experiencing trauma: formerly enjoyed pursuits and relationships seem less pleasurable, life seems shorter and bleaker, and the world seems far more dangerous (Herman, 1992). For some survivors of trauma, recovery will be challenged by additional traumatic events [for example utilising *The Melbourne Response*]... feelings of low self-esteem and worthlessness, dissociation from internal emotional states and external reality, chronic physical symptoms and somatization, interpersonal difficulties, and comorbid substance abuse ... This type of presentation is sometimes referred to as “complex PTSD.” In addition to these severe psychiatric comorbidities, PTSD has also been found to have a negative impact on physical health ... Health-related problems associated with PTSD include diabetes, cancer, thyroid disease, obesity, heart disease and hypertension, high cholesterol, liver disease, arthritis, and asthma and lung disease ... This symptom profile is perhaps better captured by the “complex PTSD” construct posited by Herman (1992) to explain the sequelae of chronic sexual abuse”²¹

Of great concern to the MVC, their families and other professionals is the lack of information and communication between the service and the clients in the areas of therapeutic options, treatment methods and risks, and benefits and costs of treatments to allow the client to make an informed choice about the “outsourced” service they are being offered. They say they are not given the information needed to make a clear decision.

¹⁹ Refer to Appendix 16: *The Age - The Price of Battling Paedophilia*

²⁰ Refer to Appendix 17: *The Age - An Unbearable Secret*

²¹ Jason M. Fogler, Jillian C. Shipherd, Stephanie Clarke, Jennifer Jensen & Erin Rowe (2008): The Impact of Clergy-Perpetrated Sexual Abuse: The Role of Gender, Development, and Posttraumatic Stress, *Journal of Child Sexual Abuse*, 17:3-4, 329-358

Professional opinion is that *The Melbourne Response* arrangement of “outsourcing” counselling over the last 16 years through a sole coordinator, has resulted in systemic deficiencies. Clients of Carelink have reported feeling uncomfortable, conflicted and compromised by counsellors paid for by the Archdiocese. One client attended support/counselling appointments in cafes for a year with the coordinator, who indicated she was waiting for a suitable referral to be made. Counselling “treatment” can occur for as long as 7 years with little to no review, despite service provider costs reaching more than \$100,000. Victims report little therapeutic progress.

The fact that therapy is paid for by the church produces a sense that the church cannot be criticised during this treatment. Despite that, clients continue to attend therapy because it is subsidised. Additionally, there is no board of professional management, standards and review overseeing counselling provision through Carelink. Some clients in counselling say they have not had assessments for years, while others have not been assisted to see a therapist even though unwell for extended periods of time. Support and help is apparently arbitrary: a client receives over \$10,000 for treatment in a short-term residential retreat, while another is refused minor financial assistance for any taxi fares related to seeing a mental health practitioner when critically needed. Independent inquiry into this mental health situation is urgently required.

Further to the mental health issues discussed above, a number of clergy sexual assault and church abuse victims are suffering ongoing complex trauma as a result of church responses where they have had no recourse over the last 16 years other than to make independent formal complaints to statutory bodies. A lack of articulated client’s rights and existing processes for client dissatisfactions and complaints, plus no advocates permitted to assist them with stating their complaints to Carelink is an intolerable situation escalating clients’ anxiety.

This unprofessional situation also contributes to clients experiencing breaches of trust and broken expectations of fair treatment. *The Melbourne Response* expectation is that dissatisfied clients will manage complaints about the Coordinator’s role and services, directly to this Coordinator without an intermediary. The Archbishop and other church authorities have been advised of this inappropriate situation. However, they have refused to address this shortcoming with practical or ethical responses.

In an attempt to manage the impacts of these systemic failings, one of our mental health consultants, Clinical Psychologist Mr Neil Woodger, has developed a handout articulating best practice in trauma work²². This information was made available at recent Inquiry Forums.

Mr Woodger makes the following significant recommendations:

“1. Best practice in trauma work has been identified for helping professionals. The term “best practice” indicates that there is a right way for professional to proceed. The best practice guidelines point to what skills and competences are necessary for the mental health treatment of people exposed to bad events and how to apply them in order to be effective...

5. People with chronic trauma, especially through exposure in childhood, often suffer serious consequences. All mental health professionals offering to provide services to people with a trauma history need to be able to demonstrate a range of skills based on a proper understanding of the scientific literature.”

The MVC, IGFA Consultancy and other independent mental health professionals assert that the current church response to the mental health needs of victims of clergy and religious sexual assault and church abuse is not in line with principles for best practice and mental health service provision. As such, it requires urgent governmental review.

²² Refer to Appendix 18: *Best practice in helping people exposed to bad events*

4. GROWING A SURVIVORS COMMUNITY

The Melbourne Response is described as a largely isolating and unsatisfying experience for victims who have been seeking justice, compensation and healing through this process. In separating itself out from *Towards Healing Victoria*, and making the Melbourne Archdiocese a different jurisdiction from the Victorian response, victims say they feel isolated from the broader Catholic Church. This situation exacerbates a lack of identity for Victorian victims that could have been avoided and the isolation of their significant, violent experiences. It is most unusual that one part of the church puts its complainants through different structures, representatives and processes about the same breaches of trust and safety.

In the face of this situation and in order to form a sustainable survivor's community within the Melbourne area and across broader Victoria, the MVC has focused on key functions:

- Empowerment through knowledge and education
- Care and welfare (referrals to independent counsellors and psychologists and general practitioners)
- Establishing a sense of community, sharing, helping, healing, support and belief
- Fostering a sense of normalisation (others do have similar experiences) and belonging
- Providing regular communication and resources on issues affecting members locally, nationally and internationally
- Solidarity in actions and strategies²³

²³ Refer to Appendix 19: *Principals for Advocating Justice and Healing*

5. PERPETUATING CLERGY SEXUAL OFFENDING IN THE MELBOURNE ARCHDIOCESE, IN VICTORIA AND FURTHER AFIELD

MVC members who also include survivors from locations outside the Melbourne Archdiocese hold information about the movement of serious clerical and religious serial sexual offenders moved throughout Victoria, Australia and overseas. The nature of their placements include parish to parish, access to primary and secondary schools, hospitals, orphanages and other care institutions, church community and welfare organisations, missions to Indigenous Australians, and a sight and hearing impaired education centre. The interstate and overseas placements occur particularly when worldwide religious orders are coordinating, for example, the Salesians, the Missionaries of the Sacred Heart and the Pallottines.

This continual movement of serious serial sexual offenders by those in the church's chain of command is seen by the entire community of survivors, their families and supporters as not only ignoring grievous harm but also enabling ongoing criminal offences against accessible children and vulnerable adults. These hierarchies have failed to give the necessary attention to police liaison working relationships and proactive lines for reporting. Further, the failure to report disclosures of clergy sexual and other assaults to legal authorities in further locations needs to be examined. Actionable criminal offences including perverting the course of justice and impeding apprehension should be considered as well as undue influence, that is, taking unfair or improper advantage of the weakness of another party to make them agree to something.²⁴

It continues to be a common experience that once complainants have been "established" as a victim of clergy or religious "sexual abuse" through a finding by the Commissioner of *The Melbourne Response* or through *Towards Healing*, these internal church complaints systems are enabling potential reoffending to occur as no engagement is standardised with state policing processes or expertise. These internal church responses for handling clergy abuse complaints also subvert the right to state available rehabilitation that victims and communities require following serious crimes. Victims communicate that they are aware of experiencing levels of coercion within the processes of these internal church systems.

The MVC seeks a Dedicated Police Unit in Response to Clergy Victims Coming Forward.

Over the past six years, MVC leaders have built and maintained a community liaison relationship with representatives of Victoria Police working in various capacities to improve responses to clergy and religious abuse victims. This has enabled significant progress for victims who either never reported to Victoria Police and who wish to now have consultations to explore this option, or victims who are seeking reassessment of their previous cases were either successfully or unsuccessfully prosecuted through police. Glenn Davies, former member of Victoria Police was significant to victims and is acknowledged by them for his contribution to building confidence in police processes.

These consulting and educational relationships for MVC members with Victoria Police also led to a growing awareness of the problems the Melbourne Response had long term in relating to the Victorian Police on matters of criminality and developing procedures for reporting and assisting victims with reporting to police. The MVC undertook a series of strategies to bring their concerns to the attention of Victoria Police.

On 13 December 2011 the MVC sent a letter to the Victorian Chief Commissioner of Police²⁵ regarding dynamics of the Melbourne Church with the protection of criminal behaviours committed by clergy, religious and lay workers in Victoria. This document to assist strategic briefing on systemic problems with *The Melbourne Response* processes based on victims experiences.

These experiences of victims within the MVC and further cases available for scrutiny shows that a focused and specialised police response unit needs to be available. Victims need to consult about the handling of their cases within the church responses, some need to go over the police process if commenced in the past,

²⁴ Refer to Appendix 20: Briefing on the Melbourne Response

²⁵ Refer to Appendix 21: Letter MVC to Police Commissioner

some have not continued with criminal court proceedings for various significant issues. Some victims now want to place their data and whole of assault information at the disposal of an aware and responsive group of police in a centralised unit that they come to recognise and trust. As the reporting of abuses and concerns about clerical and religious offending is growing stimulated by the Inquiry context and the time to build and operate a dedicated unit within Victoria Police is now.

[REDACTED]

6. MELBOURNE VICTIMS' COLLECTIVE VISION FOR A REFORMED CHURCH – NOVEMBER 2010

The MVC has looked into some of the materials that have traditionally driven the Church's understanding of community in contrast to how our survivors' community can find some common ground or themes through which to open up communications and processes, for example, restorative justice values. A significantly contrasting insight is provided on [Wikipedia, the free encyclopaedia](#) into one of several political philosophies of the Catholic Church, *Societas Perfecta* ("Perfect Society or "Perfect Community") that contributes to historically defining Church-State relations and the idea of religious community founded on canon law²⁸

In stark contrast, the following comprehensive treatise provides 19 Principles and 20 Practicalities, as a template for action by the Melbourne Victims' Collective (authored in 2010) against abuses from clergy, religious and lay personnel in the Melbourne Catholic Archdiocese. It defines principles that the MVC members believe should guide a truly Christian response by the Archdiocese of Melbourne to the clerical sexual abuse crisis. These principles then guide new initiatives that include a public inquiry into *The Melbourne Response* with major restructuring of the way it's been operating since 1996. Many of these initiatives are already in action in church dioceses in other parts of the world.²⁹

PRINCIPLES

1. The church response will place the best interests of children first.
2. The church will not use the archaic jurisdiction of canon law to investigate criminal sexual allegations against its clergy, placing their interests above the law of the land.
3. The church will witness to the truth within its archives and files regarding disclosures, the management of clergy sexual abuse and misconduct cases and treatment of victims.
4. The Vatican will show the way by delegating an international expert on clergy sexual abuse and fully co-operate with Australian civil and church authorities.
5. The church will show justice by co-operating with an independent investigation into the incidence, nature, reporting and management of clergy sexual abuses
6. The investigation will be guided by principles of human rights, criminal, civil and restorative justice.
7. The Church Response will begin and continue consulting with victims, their families and communities, as consumers of their processes.
8. The Church Response will use, and continue researching, worlds' best practice, consulting with professionals in the field of clergy sexual abuse to guide ongoing review and reforms.
9. The Church Response will be genuinely 'victim-centred', incorporating pastoral practitioners and clergy of integrity, who are also available to victims, their loved ones and communities, to demonstrate the church's duty of pastoral care and responsibility.
10. The Church Response will use Catholic social teaching principles, relevant theology and gospel values as its fundamental building blocks.

²⁸ Refer to Appendix 23. Societas Perfecta

²⁹ Refer to Appendix 24. Ten Commandments for Reform

11. The church's reformed response will demonstrate transparency and accountability to an independent, expert, professional body and appropriate external authorities.
12. Visible and accountable policies and procedures will enshrine equity for all primary and secondary victims of clergy abuses.
13. The response process will be based on restoration of what has been lost through abuse by clergy, including individual, familial and communal dignity, spirituality, physical and mental health, education and career opportunities, financial stability, social connection and general well being of all victims.
14. The church response will give ongoing access to expert mental health professionals, pastoral care, social and welfare aid because of the ongoing effects on victims' mental health e.g. suffering Complex Post Traumatic Stress Disorder.
15. Welfare assistance and aid needed by victims will be managed by a transparent panel, including external experts, accountable to equitable policies and procedures that are made available to all consumers.
16. A moral church response will provide prompt and effective professional education and intervention programs to guard against uninformed family, community and church responses adding to the re-traumatisation and isolation and potential deaths of victims.
17. Primary importance will be given to safeguarding all members of the church community, including the young, the sick, the vulnerable and the elderly. Clerical offending requires crisis intervention, accurate and professional assessment, treatment and monitoring of offenders in supervised locations. Laicisation to be activated by bishops for criminal behaviours and serious misconduct.
18. All victims will have specifically trained case managers to maintain survivor's rights, options and assist their needs from first disclosure, reporting to police, during criminal or civil court procedures and /or church processes.
19. A reformed church process will include support and financial assistance for recovery projects incorporating creative and symbolic work, the recording and archiving of stories and processes for healing and reconciliation involving victims, their families and communities.

PRACTICALITIES

1. The church will allocate substantial financial resources to roll out all required reforms, starting with an independent investigation.
2. The church will invite all *The Melbourne Response* complainants over the past fifteen years to participate in a qualitative review of their experiences and make recommendations for improvements.
3. All clergy, including bishops, will be educated on current theory and practice wisdom regarding clergy sexual abuse. All clergy will receive guidelines for reporting to civil authorities and current contacts for independent professionals and church contacts.

4. The church process will include a comprehensive program to provide pro-active child safe communities, informed by research of worlds' best practice and maintained by the regular updating of professional development of staff, education of communities and audits of child-safe policies, procedures and practices.
5. With the support of survivors, church will commission suitably trained and experienced priests as 'Vicars for Victims' to meet and support victims and their families.
6. Experienced organisers and members of victims' support groups will contribute to review consultations and be involved in the preparation of a reformed response.
7. The church will set up and staff pastoral duty workers and duly-trained advocates to assist victims and their families with initial information, options and referrals to assistance.
8. Church assistance will include provision of advocates to support victims to attend a police consultation, making statements and any further court processes.
9. Assessment of financial hardship and welfare will be included on first contact and a system of provision of urgent assistance made available to survivors to enter and sustain themselves throughout any criminal or reformed church process.
10. Complaints *not* being investigated by police will be examined by appropriately trained professionals, experienced in criminal and forensic investigations.
11. The church will change from an 'ex gratia' payment by *The Melbourne Response* panel, to the establishing of a fully independent and accountable replacement for the provision of comprehensive 'compensation,' reflective of community standards and expectations in similar injury and damages cases. This area of response will be researched nationally and internationally and will be restorative in its approach.
12. There will be no "cap" on compensation applications within a reformed church process.
13. An accountable 'appeal' system, reporting to the independent panel, will be available to any complainant who is dissatisfied with any element of the reformed church process from start to finish.
14. A comprehensive website will be provided, and continually updated, to inform survivors and their families, provide clear first contact information, policies and outlines of reformed procedures. It will also provide resources for clergy, teachers, church workers and parishioners such as on-line training of appointed child protection officers and related documents.
15. Canon law will not be allowed to obstruct the safeguarding of children and the vulnerable or the process of civil and criminal law.
16. An independent, parallel, professional, transparent and accountable management system will be set up for the evaluation, treatment and case management of clerical offenders. Regular reports will be provided to the independent and expert professional body.

17. The church will reform and agree to be model litigants, refraining from using legal loopholes to deny justice to victims. It will nominate a legal entity responsible for church personnel in civil claims regarding victims of clergy sexual abuse.
18. The Catholic Church in Melbourne is to be honest with victims the wider church and community about the range of portals operating for victims to negotiate aid, wider issues and settlements with particular Archdiocese representatives. These portals open processes further to the Commissioner and the Panel for claiming a wide range of personal, practical and material payments, including medical, pharmaceutical and rehabilitation (including holiday and outings) costs, personal welfare needs in crisis or ongoing sustainability, including food, phone, power assistance, travel including petrol, taxi and interstate flights and financial gifts for requested personal items.
19. Victims and their families call for these autocratic and arbitrary responses to be managed by competent agents, policies and procedures that are transparent and accessible to all victims and their families. Give all victims social justice access, empowerment and equity.
20. Victims and their families want to know where the personnel and processes for accessing consolation and reconciliation are available and how these important spiritual and psychological processes for recovery are professionally delivered and measured. They are needed by individual victims, their families and the church communities including the clergy.

7. COMMON LEGAL BARRIERS FOR VICTIMS CONSIDERING CIVIL ACTION

The following is for the attention of the Inquiry Committee in their deliberations regarding the need for legislative reform to be carried forward through the Inquiry's recommendations. The following was provided by Angela Sidrinis, a specialist lawyer working in this area and through long term individual victims case work.

Limitation Periods

Currently, the limitation period relating to bringing a civil claim for childhood sexual abuse is 3 years from age 25 and up to a long stop limitation period of a further 12 years i.e. to age 37. For people who were sexually abused as adults the limitation period is effectively 3 years from the date of the incident. There are also some limitation periods in relation to certain criminal sexual offences. The nature of sexual abuse is such that victims will take many years, often decades, to confront what happened to them.

Vicarious Liability

Employers can be held vicariously liable for the negligent conduct of its employees. Many Churches argue that priests and religious are not "employees and that the Church cannot therefore be held to be vicariously liable for their actions. The High Court has considered the employment relationship between priests and churches. (*Ermogenous v Greek Orthodox Community of SA Inc* [2002] HCA) The High Court did not in the end have to finally determine this point although it did say that a religious association did not preclude an employment relationship. In a recent UK decision (*JGE v The Trustees of the Portsmouth Roman Catholic Diocesan Trust* [2011] EWHC 2871 (QB), it was found that a Catholic priest was an employee in a claim for damages involving sexual assault. The Church is appealing this decision.

However, allegations of sexual assault will often relate to illegal conduct, particularly in cases of sexual abuse. In these circumstances, churches will argue that they cannot be held liable for the illegal conduct of their employees or agents.

In 2003, the High Court considered the extent to which authorities could be liable in negligence where there was no allegation of fault by the authority but where injury had occurred as a result of the misconduct of an employee. The High Court found that a non delegable duty of care did not extend to illegal conduct or conduct where an employee was pursuing a "frolic of their own". *New South Wales v Lepore; Samin v Queensland; Rich v Queensland* [2003]HCA 4)

The "Ellis" Defence

In a case heard by the Court of Appeal in NSW, the Catholic Church argued that there was no legal entity that could be sued by Mr. Ellis in relation to his alleged sexual abuse at the hands of a priest (*The Trustees of the Roman Catholic Church for the Archdiocese of Sydney v Ellis & Anor* [2007] NSWCA 117). The Catholic Church has organized its affairs so that the only legal entity that exists is the Roman Catholic Church Property Trust. The church's argument was that as this legal entity played no role in the oversight or appointment of priests, it could not be sued in a claim for clerical sexual abuse. The Church also argued that as there was no other legal entity that could be sued. The Church won these arguments in the Court of Appeal. Mr Ellis lodged an appeal with the High Court. Mr. Ellis' counsel put the following to the court:

"If the Court of Appeal's decision is correct, then the Roman Catholic Church in NSW has so structured itself as to be immune from suit other than in respect of strictly property matters for all claims of abuse, neglect or negligence, including claims against teachers in parochial schools..... That immunity, they say, extends to the present day in respect of the parochial duties of priests. We say such an immunity would be an outrage to any reasonable sense of justice and we say it is wrong in law." (*Ellis v The Trustees of the Roman Catholic Church for the Archdiocese of Sydney* [2007] HCATrans 697.)

Unfortunately, the High Court disagreed and refused Special Leave.

8. SUGGESTIONS FOR THE IMPROVEMENTS OF HANDLING OF CHILD ABUSE BY THE CHURCH

This Inquiry is mandated to be the architect of change. On the basis of the gravity of material and plethora of information provided by victims, professionals and organisations it is critical that the inquiry uses its powers to ensure that timely actions are taken to ensure that real change takes place.

There has been a number of Federal and Victorian State inquiries in the past that have made important recommendations that action be taken to protect children from sexual abuse in church organisations. Unfortunately no action has been taken on recommendations that would ensure improvement of church responses.

Whilst this inquiry takes on the current challenges, remember that professionals and advocates are ready to support their action to improve the handling of child abuse in churches through the establishing of working parties, committees and outreach systems.

Government to Establish a Multidisciplinary Working Party

Many of our suggested actions involve consultation and collaboration between state authorities, independent professionals, advocates, victims and their families. This independent expert collaboration is imperative, as who is appointed will determine the process and outcomes.

These stakeholders to be drawn from, for various tasks include:

State Authorities	e.g. Police, judiciary, community services, office of child commissioner, office for youth, dept of education and training, registered schools board, victims support agency, CASAs, Centrelink, office of safety etc
Independent professionals	e.g. child welfare experts, victims' advocates, psychologists, trauma response specialists, lawyers etc
Victims	This also includes secondary and tertiary victims e.g. family members, whistleblowers and employees with vicarious trauma

These stakeholders would consolidate a working party as a first stage of a comprehensive government structured reform. This working party needs to research world's best practice with an aim to establish structures that ensure independence and accountability and will take on the following actions.

1. Establish independent structure to oversee the following:
 - ✓ establishing and maintaining safe environments
 - ✓ establishing independent processes for victims
 - ✓ determining a schedule for just compensation
 - ✓ provision of comprehensive services for victims funded by grants from the church but managed by government structure. These would include therapeutic care, pastoral care, advocacy, welfare support, job search services and training and access to holistic healthcare.

This response should include the provision of a case worker/advocate to liaise with families, police, mental health professionals, welfare agencies, and Centrelink etc. for the victim/survivor if he/she so wishes.

2. Establish best practice education programs for all priests, employees including school staff; volunteers, parents; other parishioners and children;
3. Establish and implement comprehensive training for mandatory reporting which would include the use of scenarios to illustrate reporting within difficult circumstances.
4. Ensure that all sexual matters are reported immediately to SOCIT police officers and child protection professionals, not the Catholic Education Office or archdiocesan officials;
5. Establish policies, programs and procedures to create safe environments and provide clear reporting structures
6. Adopt the 'paramountcy principle' – that the well-being of children and vulnerable adults takes precedence over 'natural justice' afforded the alleged or confirmed offender – these must not be balanced as of equal weight.
7. Establish best practice crisis response for when an allegation is made. A response team should include independent trauma specialist welfare professionals and psychologists as well as police and specially trained church pastoral workers;

Action by the Church

8. The Church needs to:
 - a. Nominate legal Church entity for civil litigation to enable access to just compensation for victims
 - b. Agree to be a model litigant (as the Victorian State government has in cases of sexual abuse in government institutions)
9. The current protocols for dealing with complaints and the managements of sexual offenders within the Church to be reviewed by independent forensic experts.
10. Each diocese and parish to set up an information and resources area and website covering child protection policies, programs and procedures including clear reporting pathways. Eg. Maitland/Newcastle Diocese website, NSW. Also, Zimmerman House in same diocese is a good model of pastoral care and church community outreach.

Various Legal Actions

11. Prosecute those who have endangered children. Only by knowing that they may face a jail term will priests or other staff disobey their bishop. Thus it is important to prosecute those who have endangered children by following the directions of a bishop or the Vatican.
12. Establish an ombudsman with powers and a multi-disciplinary body to oversee all complaints about inadequate responses. All organisations and their responses to be accountable to this

body which will regularly review/audit response system to ensure best practice. Failure to meet expectations should mean deregistration of the body as an approved organisation to work with children.

13. Mandatory reporting must be extended to cover all adults. The laws must also make grooming reportable. The laws need to explain grooming in the way NSW law does, if not better.
14. Abolish Statute of limitations for child sexual abuse for all Victorian Law – criminal and civil litigation.
15. Law reform must ensure the Church's assets are not protected by property trusts
16. Priests must legally be employees. Victorian law must require that any organisation working with children has a well-established pathway of responsibility and, if they do not then, they should not be registered to have care of or jurisdiction over children in Victoria
17. The people of Victoria are entitled to demand that the Church acknowledge that they are responsible for their priest's debts if they expect them to take a vow of poverty.
18. Whistleblowers who are Church employees need legal redress for lost career and financial security. WorkCare is not an adequate response for the problems associated with whistleblowing.
19. Overhaul of victims' past deeds of settlement including amounts of ex gratia payments for the last sixteen years.

Government Actions Towards Catholic School

20. The power of the priest in a parish and in the parish school must be addressed. He is the employer of the principal and teachers and they fear for their jobs if they make allegations against him. Priests should not be in sole charge of a school.
21. Teachers need to be much better trained to recognise grooming and the signs of child abuse. They are at the coal face with children daily and they need to be more attuned to children who may be struggling with abuse issues not just from clergy abuse but also from other situations.

Government Actions Towards Families

22. An overarching recommendation is that all Victorian families be given training through a broad-based public education program in:
 - recognising healthy/unhealthy adult child relationships,
 - grooming,
 - signs of abuse and
 - dynamics of disclosure

For parents of young children this could be as just one part of a comprehensive parenting education package. This training could be delivered through children's welfare community hubs and ensure the courses are well attended by linking with family tax payments eligibility.

All kindergarten and school children to participate in funded age appropriate empowerment programs that deal with bullying and abuse by adults.

The cost of this will be recovered over time as the huge cost to the community, once children have been abused, is well established.

9. APPENDICES LIST

ITEMISED APPENDICES from Page 47 onwards

- Please ignore Appendices own page numbers – check Header for Appendix No#

1. In Good Faith and Associates – Information on Strategic Consultation, (1997 to ongoing) p. 1 - 2.
2. Towards Justice: The Charter of the Melbourne Victims' Collective, (2008) p. 1 – 8.
3. A Continuum of Clerical Abuse, *Last, H & Lisbon, M.* (2007) p. 1
4. Trauma and Recovery, *Lewis Herman, J.* (1992, 2001 reprint with new afterword) p. 207-211
5. Handbook on Justice for Victims, *United Nations Office for Drug Control & Crime Prevention* (1999) p. 4 - 5
6. Core Restorative Justice Values, *Relational Approaches* (2009) p. 1-2.
7. Practice what you preach: using restorative justice as an alternative to clergy abuse, *Condliffe, P.* (2009) p. 1 - 5
8. Letter of correspondence (19/07/2008), *Bishop G. Robinson* to Melbourne Victims' Collective
9. Letter of correspondence (26/09/2008), *Bishop M. Malone* to Melbourne Victims' Collective
10. Letter of correspondence (30/06/2008), *Independent Commissioner* to Paul Holdway
11. Letter of correspondence (12/10/2008), *Melbourne Victims' Collective* reply to Ind. Commissioner
12. Learning From the Past - Submission to Vic Government Inquiry 'Protecting Victoria's Vulnerable Children', *Krstic, P. with M.V.C.* (2011) p. 2 - 11
13. Submission to the Attorney-General of Victoria: Clergy Sexual Abuse in the Catholic Archdiocese of Melbourne & Victoria, *Melbourne Victims' Collective* (2011) p. 1 - 114
14. MVC Media Releases (4/07/2008) and (12/07/2008)
15. MVC Community Education Forums: Melbourne (18/07/2012) and Ballarat (13/08/2012)
16. The AGE article: The Price of Battling Paedophilia, *Zwartz, B.* (17/09/2012) p. 1 - 4
17. The AGE article: An Unbearable Secret, *Baker, R. & McKenzie, N.* (06/06/2012) p. 1 - 5
18. Best practice in helping people exposed to bad events, *Woodger, N.* (2012)
19. Principles for Advocating Justice and Healing, *In Good Faith and Associates, for MVC* (1997)
20. MVC Briefing on The Melbourne Response, *Last, H. For MVC* (2010) p. 1 - 4
21. Letter of correspondence (13/12/2011), *MVC to Chief Commissioner of Victoria Police*, p. 1 – 3
22. Societas Perfecta, *en.wikipedia.org/wiki/Societas_Perfecta* (Webpage accessed 2012)
23. MVC Ten Commandments for Reform, *Melbourne Victims' Collective* (2011)