

Ms Georgie Crozier, MLC
Chair Family and Community Development
Parliament of Victoria
Spring St
EAST MELBOURNE Vic 3002.

21 September 2012

Dear Ms Crozier,

I welcome the opportunity to make this submission to the Family and Community Development Committee for consideration to the inquiry into HANDLING OF CHILD ABUSE IN RELIGIOUS ORGANISATIONS.

It is important to note that my submission is not focused on only one religion, and that the protection of victims is something that the entire community should have at the forefront of our thinking.

There have been documented cases surrounding the inappropriateness of third party investigations into sex offences by clergy and I understand that Victoria Police has also expressed its concern about the handling by organisations to police investigations into these criminal acts.

Since being elected as the Federal Member for McEwen I have been contacted by victims of child sexual abuse by Clergy. Throughout these meetings It has become very clear to me that responses by the organisations have been inadequate and often been handled so poorly that victims have been left feeling isolated and more often than not, as if they are the perpetrators of a crime for alerting authorities to the abuse.

This has led me to seek information and support from the Victorian Government for introducing wider mandatory reporting and to ensure that the correct and proper channels are open to police for investigation and not left to the organisation involved. Removing internal investigations by individual organisations gives a strong signal of confidence to victims and their families who seek justice and criminal prosecution against the perpetrators.

To date this has been a very frustrating process with replies from Ministers taking 120+ days, with no signs of a widening of the mandatory reporting tables to include clergy.

Terms of Reference

1. *the practices, policies and protocols in such organisations for the handling of allegations of criminal abuse of children, including measures put in place by various organisations in response to concerns about such abuse within the organisation or the potential for such abuse to occur;*

My research has shown that there are minimal opportunities for victims to obtain justice in a self managed system of organisations when it comes to allegations of abusive criminal behaviour. Children and adults who are required to retrace stories often leads victims to self abuse and self harm which only further exacerbates their pain and suffering and mental anguish.

<http://brokenrites.alphalink.com.au> has stated that *“it is common for young victims to remain silent about their abuse or to deny abuse when they are first questioned about it.”*

In many victims’ statements recounting their stories, a very disturbing pattern appears of organisations indicating that victims should not speak out about their situation, so as to protect the sanctity of the religious organisation and not draw unwanted focus on the institution itself.

I understand that some organisations have made some progression to better align with community expectation on what is a very sensitive issue. However, there is still a very long way to go and recent history shows that these attempts have often paid only lip service to stamping out sexual assaults against young children by religious organisations.

For example, one organisation developed The **Melbourne Response** to assist people who have been abused sexually, physically or emotionally. The Catholic Archdiocese of Melbourne website <http://www.cam.org.au/Melbourne-Response/Melbourne-Response.aspx> states that *“Complaints of sexual and other abuse by priests, religious and lay persons under the control of the Archbishop of Melbourne are made to and investigated by an Independent Commissioner. Mr Peter O’Callaghan QC and Mr Jeff Gleeson SC are the Independent Commissioners.”*

Victims who have used this process have found it onerous and delivering very little positive results or assistance. An example of this process failing victims is the case against one priest who has since been charged and convicted. The victims and their family were left suffering for five months before he took any action on the victim’s complaints against the Parish Priest.

After the Independent Commissioner was made aware that the perpetrator had confessed to the allegations, the Police were still not invited to pursue a criminal case.

2. Whether there are systemic practices in such organisations that operate to preclude or discourage the reporting of suspected criminal abuse of children to State authorities;

There appears to be a raft of victim and victims' family statements which support the view that some organisations do in fact discourage victims from seeking support and/or pursuing justice outside the parameters of the organisation. I have spoken to victims who say that not once has the Independent Commissioner of the Melbourne notified police of a relevant criminal offence.

It would seem to me and to many others, to be an ethical and moral requirement of a church-appointed QC to ensure the integrity of the organisation they represent.

One case which has raised great concern is how one organisation's internal investigation had "tipped off" a priest that police were investigating criminal allegations involving that priest.

This same organisation and the same investigator was again reported for a second time to have alerted lawyers for a priest that police were investigating the priest over sexual assault allegations first made to the investigator by a parishioner.

These actions fail to protect the victim. I understand this action has infuriated police and drew a strong rebuke from Victoria's top sexual crime detective at the time.

In these two separate cases, priests were told by the investigator that they were under investigation without the consent of detectives, before police had interviewed them and while inquiries were at a covert stage, leaving them open to potential compromise.

This type of action has left those victims and many others with a hollow feeling, fearing that by using the internal organisation investigations their claims will not be addressed seriously and that the organisations involved will not support victims who are courageous enough to come forward.

The failure of these organisations to protect the victims and in some cases, systematically cover up the abuse has certainly lowered the relevant organisations' credibility in the eyes of the public.

That is why many victims I have spoken to strongly support the mandatory reporting to state authorities of sexual abuse of children by religious organisations.

3. Whether changes to law or to practices, policies and protocols in such organisations are required to help prevent criminal abuse of children by personnel in such organisations and to deal with allegations of such abuse.

Given the Victorian Government will not instigate a Royal Commission into the handling of child abuse by religious organisations, which I still believe is the best for an open transparent enquiry, nor will the Victorian Government consider an independent judicial inquiry in to this matter.

At the very least then immediate consideration should be given for legislation to be brought to Parliament to significantly increase the range of organisations and individuals who are required to mandatorily report any allegations of sexual offence against children who they have had contact with.

Victims, their families and the general public are concerned that the Parliamentary Committee inquiry doesn't have the support or powers to adequately investigate this issue which has been the cause of enormous pain and suffering for victims over many, many years even the tragedy of deaths.

The Australian Institute of Family Studies has produced a paper in August 2010 which has a listing of state and territory requirements for mandatory reporting:
<http://www.aifs.gov.au/cfca/pubs/factsheets/a142843/index.html>

This paper shows that there needs to be a significant expansion of reporting to all adults in religious organisations, particularly those who are in contact with children and are afforded the trust by other family members of their children by being in a position of authority.

The immediate expansion of mandatory reporting to state authorities is a must for victims and a must for all Victorians.

I would also extend an invitation to the committee to convene hearings here in McEwen and would, if required, take the opportunity to appear before the committee to elaborate on this submission.

Yours sincerely

Rob Mitchell MP
Member for McEwen