

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 3 May 2013

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Witnesses

Sister A. Ryan, former executive officer, and

Ms N. McMahon, national protection and prevention officer, National Committee for Professional Standards; and

Mr P. Murnane, APM, assessor, Towards Healing.

The CHAIR — Good afternoon. On behalf of the committee I welcome from Towards Healing Sister Angela Ryan, former executive officer, National Committee for Professional Standards; Ms Narelle McMahon, national protection and prevention officer, National Committee for Professional Standards; and Mr Paul Murnane, assessor. Thank you all for being before us this afternoon. We do appreciate your time.

All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if required to do so. All evidence given today is being recorded, and witnesses will be provided with proof versions of the transcript. Please note that these proceedings are not being broadcast.

As you are aware, under our terms of reference we have been requested to look at policies and processes within religious and other non-government organisations and whether there are systemic practices that have contributed to the abuse of children. We are looking at a number of areas in relation to leadership and, as I said, processes, and the committee has a number of questions in relation to the Towards Healing process. Following the conclusion of committee questions you will be given an opportunity to speak to the committee. Thank you again for being before us, and thank you for allowing us to access the Towards Healing records. Could I get some confirmation from you firstly of how many files you actually have that fall within the committee's terms of reference?

Sr RYAN — Yes, we have files from victims. We have files from 307 victims whose complaints have been upheld. We have files from 77 people whose complaints were unable to be substantiated, often because they related to incidents too far in the past, but these people were nevertheless assisted as though they were victims through the process. We have files for 9 people whose complaints are not yet determined — some of those are currently with the police — and we have 12 people whose complaints were not substantiated but who nevertheless received the normal support and were offered a pastoral meeting with the bishop or congregation leader.

The CHAIR — Thank you, Sister Ryan. From my calculation, that is around 403 files that relate to our terms of reference. Is that correct?

Sr RYAN — That sounds pretty good.

The CHAIR — Thank you for that confirmation. We heard from the Melbourne Response that they have substantiated around 97 per cent of their 330 complaints, and we have just heard this morning from the Christian Brothers that 39 out of the 54 complaints they dealt with — around 72 per cent — were substantiated. From our assessment of your files — I think we accessed around 159 files — we were looking at around 76 per cent that were substantiated. Can you comment on that assessment of our undertaking — around that accuracy of around 76-odd per cent?

Sr RYAN — Yes, they would be in that category I described first as actually being substantiated.

The CHAIR — Okay.

Sr RYAN — But they might have been substantiated through an official assessment within our process, or they may have been substantiated because they had already been to the police, or they may have been substantiated because it was the case that a congregation leader or a bishop said, 'That is similar to what we have heard before, and we accept that as a substantiated case'. As well as those that were able to be substantiated we have the next 77 that we really would have to say there was a belief that there was something in it but on our Towards Healing process we were unable to substantiate those. But we certainly did not ignore those people; we certainly believed that they had come to us and that we should act within that. It is how you define the terms, I think; that is what I am trying to sort out. So we would have had the same percentage as you said, in terms of substantiated, but would also have had the next group where we might have been unable to substantiate, but we were saying: we will work with these people as victims.

The CHAIR — So on the basis of that, I am just trying to get a handle on why the Melbourne Response has a 97 per cent substantiation rate, whereas yours is significantly less.

Sr RYAN — Because they are different processes, and the Melbourne Response has one person who is looking at them and we are looking at cases from a whole lot of different ways and looking at them in a slightly different way.

The CHAIR — Thank you for that clarification. I want to go to that very point. There are two processes here, and in the *Facing the Truth* submission that we received from the church, it acknowledges that there are two systems:

The church's view is that, while there is no perfect system, both Australian systems work well and each has particular strengths.

It goes on to say they 'liaise closely' with each other and 'refer complainants to each other where jurisdictions overlap'.

I am trying to understand. From the evidence that we have heard from victims, their complaints have been very similar in nature, whether the abuse has occurred within the Melbourne area or whether it has happened in country Victoria. I am just trying to understand why there are two separate processes to undertake this assessment process for victims.

Sr RYAN — Historically, the Melbourne Response was set up for Melbourne and the Towards Healing response set up for the rest of the country, and so we inherit a historical situation and in Towards Healing we work within that.

The CHAIR — Thank you. So do you think that is still an appropriate system, to be operating under two different types of processes, considering the nature of what is coming before you?

Sr RYAN — Yes. From my point of view, I do not know an enormous amount about the Melbourne Response. I do know about Towards Healing, and I believe we have tried to deal with the matter in that way. I think it is a matter for those senior to me who are responsible for setting up the systems.

The CHAIR — And I am sure we will have some further questions in relation to this whole process. Could I perhaps move, then, to the question of what the victims are wanting from the Towards Healing process or what does justice look like to them. It is a question that I have posed to many victims. On that basis, what do you perceive the needs of a victim of abuse by priests or other religious personnel are, and given your experience with dealing with the victims, why do you think there is so much dissatisfaction about the Towards Healing process?

Sr RYAN — I am very sad that there is dissatisfaction. I accept that. We are listening very carefully to what the complaints are so that things can be sorted out. I believe, too, that not all victims who come through Towards Healing are dissatisfied, but I think we are dealing in an area where it is very difficult for people who have been abused. Somebody said to me perhaps even our term 'towards healing' sets an unrealistic situation, that people may believe that if they come to Towards Healing, it will all go away. Abuse is not in that vein; it is not with that sort of effect on people, so we really cannot do that. I think people first want their complaint validated, want to be believed, want to know what has happened to the person who is the abuser, but especially want to know what has been done so that it will not happen again.

The CHAIR — Thank you. Do you accept, though, that when many victims have come before your process that in actual fact it has re-traumatised them?

Sr RYAN — I do, and I think that any time that people who are victims are in a situation where they need to bring out what has happened to them and go back to those times, that that will re-traumatise them. I am really sorry, and I am so sorry for those victims.

The CHAIR — Do you also accept that they do not see it as a totally independent process?

Sr RYAN — Let us define what is independent about it and what is not. I am part of the church, obviously, and we do have people who are from the church at various stages. The part that is an independent assessment is that it is not the church authority, the diocese or the congregation that investigates the complaint. It is outside that. It is the director of professional standards who organises the assessment of the complaint, and that part is definitely an independent assessment.

The CHAIR — But you are part of that director of professional standards committee — is that correct?

Sr RYAN — I was part of the national committee.

The CHAIR — Yes. How long have you been involved with the church?

Sr RYAN — Oh, I am not going to tell you how old I am!

The CHAIR — No, you do not have to do that, but suffice to say for a very long time.

Sr RYAN — That would be a fair statement.

The CHAIR — It is not recent times. My point is that when Towards Healing was set up in the early 1990s you had been involved with the church prior to that date — is that correct?

Sr RYAN — Oh, yes.

The CHAIR — Yes. My point is that the victims feel that those that are involved in this independent process, because they had some affiliation with the church prior to that, do not see it is totally independent. Do you understand where victims could possibly feel that they do not fully appreciate it to be a fully independent — —

Sr RYAN — Ms Crozier, I do understand that. In the office I answer my phone as ‘Angela’. But if it is a victim, within two or three sentences, as soon as I know it is a victim, I make sure they know I am a nun and I say to them, ‘I am a nun. Would you like me to get somebody else to talk with you?’ So I certainly do not try to force that on them. I would have to say that I do not recall anybody who said, ‘Well, I want to stop now’. In fact some have said, ‘They say you are all right’.

The CHAIR — That was my question. Do you refer anyone on in that instance?

Sr RYAN — Always. I try to refer them on. I would not continue talking to them as a nun if I believed they wanted to talk to somebody else. We say to our directors around the country: ask whether people want a male or female contact person. I have done some contact work when I was in Victoria in the past and I always said to them: make sure they know I am a nun and that they are happy with that. In no way would I want to force that onto people.

The CHAIR — Who would you refer it onto if they said, ‘Actually, I do not want to speak with you. I want to speak with somebody who is not associated with the church’. What do you do? Is it possible?

Sr RYAN — Somebody not associated with the church? I was thinking somebody not a nun. Let us start there. We would try there. If we wanted somebody not associated with the church, for example, if I was in Sydney we use David Landa, who is the former New South Wales Ombudsman, who is Jewish. If somebody had really wanted that, I would well have said, ‘Would you talk with David Landa?’. I would really try to accommodate what people wanted.

The CHAIR — Is that individual on your assessment panel then, or is that just to speak to about their abuse?

Sr RYAN — No. Let me go back one. I was not on an assessment panel, I was on the national committee. I am also a member of the professional standards resource group in Victoria. I do not do assessments — I am not skilled in that way. The assessment group are set up by the professional standards resource group. There are groups in each state and they would have groups of assessors. Some would be Catholic — a lot would be Catholic probably but not necessarily all.

The CHAIR — Thank you. I understand the differentiation with your assessment panels. Could I just go back to the support that you actually give in relation to victims and some of the secondary victims, or the lack of support in many instances, as perceived by them. Can you explain to the committee what assistance is offered to others who are sometimes described as secondary victims or a family member of a victim? What assistance would you provide those secondary victims?

Sr RYAN — I myself have sat down with many parents, especially mothers, who have been very distressed. On Sunday I am travelling to country Victoria to meet a mother who has just found out that her child, now a man, was abused. I have said I will go and talk with her so that we can work out what happens from there. So we would try to do that. The director of professional standards — especially when it comes to the end of the process with the facilitation, that would be part of what can be done. We probably have not done it well in a lot of cases. I apologise and I am sorry where we have not done it well. We should be trying to help people.

The CHAIR — What you mean by you haven't done well?

Sr RYAN — If you are saying people have come along saying we have not done it well.

The CHAIR — They are — they saying that often they are retraumatised, the victims directly themselves or their family members have not had any support through this process. So I am just trying to determine what the process is. If you are saying you have not done it well in the past and that you are starting to look at your internal processes, that is what I am trying to determine by the example that you have just given to us.

Sr RYAN — We would look at that. We keep working with our facilitators, who are the people who are working at the end of the process with the victim and the church authority, to see what can be done to move that forward. We have training with church authorities and we have training with facilitators. We would be hoping to learn what we have not done well and keep giving examples so that people can do it better.

Mr McGuire — Thank you all for attending today. Sister Ryan, if I could ask you, has Towards Healing conducted any research or assessment on the extraordinary number of offences that occurred in the Ballarat diocese?

Sr RYAN — No, we have not directed ourselves to the Ballarat diocese or to any particular group. Let me explain: when we say Towards Healing, that is the process. In the national office we would have been looking at — and it is a fair question — what we have done about research and what should have happened. I think we have been very caught up with 'How do we deal with people, and how do we prevent abuse into the future?'. We should have done something about research. We know we need to do it. It is a question we have been asking ourselves, but it is not a question that we have got to. We have obviously been aware of groups like the John Jay studies in America and groups like that, but we have not — 'we' as Towards Healing. I think Brother Julian McDonald said to you this morning that the Christian Brothers had done something for themselves, but we have not done it for any particular group.

Mr McGuire — You understand because it is important to get the cultural aspects of what is going on in the different parishes and what is going on with the brothers or St John of God, the different orders?

Sr RYAN — I do understand, and we would hope that that is something that is being looked at as we go along.

Mr McGuire — Has Towards Healing ever conducted an internal investigation into how this became endemic, how it got out of control?

Sr RYAN — No, we have not done that sort of research, Mr McGuire.

Mr McGuire — If a representative of Towards Healing became aware today of repeated offending over a significant period of time, is it the position that this would not be reported to police if victims did not want that to happen?

Sr RYAN — Please God, if we became aware of someone who was a repeat offender, that that matter would already be with the police, and that would be true of a lot of our repeat offenders. If it were something that was new, we would talk with the person, but in Victoria we would respect the rights of the adult to say whether or not they would go to the police. We actively encourage people to go to the police; we have taken people to the police; we have helped. In New South Wales, because of the different law there — and I think it is a good law, so hear me.

Mr McGuire — Yes, absolutely. Give us any recommendations. You know we are looking to come up with whatever amendments are necessary.

Sr RYAN — I have lived in New South Wales for the last while, and the director up there has a liaison with the police in New South Wales for intelligence. He can ring. He has a particular intelligence liaison officer. Because of one or two cases where I have needed to use it myself outside Victoria, I have said to the director, ‘Please give me that’. I have rung; I have spoken. What we did was give the name of the offender but said that the victim did not wish their name to go forward. It has been the practice there that a few times the police have come back to the director and said, ‘Please will you go back to this victim and say, “There are now other cases coming forward. Would you be willing to come forward now?”’. In some cases the victims have said yes. In some cases the victims have said no. So the police have also given them the opportunity and respect there. You hear me saying that sort of — —

Mr McGUIRE — So what would your recommendation be?

Sr RYAN — Use the situation, as in New South Wales, in terms of the report as intelligence without the name of the victim, if the victim does not want their name to go forward.

Mr McGUIRE — A liaison officer for intelligence gathering?

Sr RYAN — Yes. Does that make sense?

Mr McGUIRE — Yes, I understand what you are saying. Thank you for that.

The CHAIR — We have Taskforce Sano set up here in Victoria to deal with a lot of these matters. It is similar.

Sr RYAN — Can I pick up the Victorian situation, because I quickly went to New South Wales there. I do not think we have been without the liaison in Victoria. I have always known when I worked in Victoria with the professional standards resource group, if I had any concerns Mr Paul Murnane was there as police liaison and I could go to him. The director has gone to him. We believed — I believed — we had liaison there and have always acted with that belief. I must say I have had a lot to do with the police in different situations where there are cases being investigated. With the lady I am going to see on Sunday, I was talking last week to the police in another country town who are investigating a case against that perpetrator. I have been involved with the police. My belief is that all sexual abuse should be investigated by the police, but I do not believe that if a person does not want to, they should be forced to.

Mr McGUIRE — The committee has been provided with a submission by Professor Patrick Parkinson that is highly critical of the Salesians, and it is his view that they were not complying with the Towards Healing protocol. What are the consequences if a signatory to Towards Healing does not adhere to its protocol?

Sr RYAN — Let us start with what Professor Parkinson was saying. As you know, he praises the process, but he says that the Salesians were not following the outcome in relation to the offenders. There was dialogue between the Salesians and Professor Parkinson about that matter, and I know you have had discussion about that already. As it goes, the national professional standards committee has moral power, not authority, to tell somebody what to do. But we certainly do have bishops and congregation leaders on the national committee and we have always said, if it was a matter that involved a bishop, when I was in the office we would have gone to the bishops and said, ‘There is a problem here. We need to go with you to talk to that bishop’, or, ‘We need to go and talk to that congregation leader’. It is a moral power, rather than anything that can — —

Mr McGUIRE — Do you need an enforcement power, given what we have all gone through with allegations of cover-up and everything else and just the terrible history of this issue, that we need something that is clear-cut?

Sr RYAN — I think there is a terrible history, and I think a lot of that has been dealt with. And let me tell you, anybody who came near me or any bishop or leader who said to me, ‘What will I do?’ got very clearly told what they needed to do. They know that and they will ring up and do this.

Mr McGUIRE — But would it help you if there was an enforceable proposition?

Sr RYAN — I would like to look at the enforceable proposition, but certainly we need to make sure that victims are cared for and that offenders are treated as they should be.

Mr McGUIRE — If you could address that, and report back to us, I think we would appreciate it if you could come up with something that is workable.

Sr RYAN — Yes, all right; I am happy to think that through.

Mr McGUIRE — Because we are looking at what is the best way to prevent it in the future.

Sr RYAN — Let me — if you want answers on the spot?

Mr McGUIRE — Yes, absolutely. If you have got one, we will take it.

Sr RYAN — But you do not want answers on the spot, I know.

Mr McGUIRE — We will take them.

Sr RYAN — I have not got answers, but I have had a lot of conversations, as you have, with the deputy ombudsman in New South Wales and at the moment Steve Kinmond and I are having discussions about how they and we, as church, can work together to make sure that the whole matter goes forward as it should. The thing is that we need to be working there and it is good if you are working in the same way, so that we are all looking for what are the answers so that it cannot go wrong in the future.

Mr McGUIRE — If there is any way that could be applied in Victoria, and any recommendation you could make, that is exactly what we are looking for: how do we get a better result for everybody?

The CHAIR — We have heard from the deputy ombudsman and his office.

Sr RYAN — I realise that, and I have had conversations with him about that and actually somewhere there is a paper that he has given me that we are both looking at.

Mr McGUIRE — One last point: do you have a copy of the report *Towards Understanding*?

Sr RYAN — With me? No. Have I seen it? A long time ago, yes. We rejected it as not being good process in terms of investigation, but if you want a copy, I can get it, but I would have to say to you that the national committee had serious reservations about the research that went into it.

Mr McGUIRE — When did you reject it? And if you can give us a bit more detail on why.

Sr RYAN — You give me some dates as to when it was, and I will tell you when we rejected it. It was early in my time. I was in the national office from 1997 or '98.

Mr McGUIRE — 1999, I am told.

Sr RYAN — All right. Well, we rejected it in 2000. It was close to that. It was done — I cannot give you the names off the top of my head — and there was not good research, and at that time Bishop Geoffrey Robinson was the chair of the national committee and he, with us on the national committee, said this was not good research. But if you want a copy, I can get one.

Mr McGUIRE — If we could have a copy, please, and also your considered view on why you rejected it. We would like to be fully informed.

Sr RYAN — Right. I think you will read it and see.

Mr McGUIRE — That is okay. Thank you.

The CHAIR — Thank you, we would be most interested to read that, Sister Ryan.

Mrs COOTE — Sister Ryan, Ms McMahon and Mr Murnane, thank you very much for being here today. Can I just ask for a point of clarification? You said, Sister Ryan, in answer to, I think, Ms Crozier, that people senior to you — —

Sr RYAN — People senior to me.

Mrs COOTE — Exactly, that is what I am actually asking you. Could you explain to me who you report to? Let us say the national body, and then you report to whom? What is the line of command?

Sr RYAN — You notice ‘former’ on mine. I finished at the end of last year, officially, but I think it is only semi-official. I am not in the office at the moment, but when I was in the office the people in the office report to the National Committee for Professional Standards, and then that group is set up — though does not report to, I think — by the bishops and congregation leaders. But the national committee was the group we reported to.

Mrs COOTE — So if there is a systemic problem or something, who was ultimately responsible? The bishop?

Sr RYAN — The person who is ultimately responsible for a systemic problem is the person who is the leader in that particular diocese or congregation, but if then that is not working, then I think it would need to be taken up with the bishops or leaders in that way.

Mrs COOTE — Pardon me for my confusion, but we have heard quite a bit here, and it is a little difficult to get our heads around the structures, because it seems to flow as it suits the particular organisation. So if it is the bishop in that area and he is responsible and there are systemic problems, who does he answer to?

Sr RYAN — Issues for which he is responsible — if they are within that diocese, then he is the ultimate person who is responsible there. You have got Rome having taken some further action, I guess I would say, or — ‘interest’ would be the wrong word; I have not got the right word — but certainly over recent years Rome has been wanting guidelines set up in each country so that they — if we are talking about a cleric, a priest, a deacon or a bishop, that is who they are concerned about, and for cases in that way, they would go to the CDF, the — —

Mrs COOTE — The Congregation for the Doctrine of the Faith.

Sr RYAN — Thank you. But I think you are talking about systemic problems within Towards Healing.

Mrs COOTE — I would like to know. I am wanting to work out the relationship with Towards Healing, with who has responsibility for what, because it seems to me that everyone has a little bit of responsibility for their own backyard, so to speak.

Sr RYAN — They do, yes.

Mrs COOTE — And I want to know how that relates with Towards Healing and who has the ultimate responsibility in those relationships. It seems very convenient for people to say, ‘Actually, no, that’s not me; that’s Towards Healing’, or ‘No, that’s not me; that’s Rome’, or ‘No, that’s the bishops’, or it is someone else but not them.

Sr RYAN — I am not trying to stop Towards Healing, but each bishop and each leader is responsible in their own area for what they do; that is a fact. Towards Healing is set up as a process to help them with that. That does not mean that in Towards Healing we sit back and let them do what they like. I would have to say that I have called to account a lot of people, but we have also tried to put in place things that will move things forward. For example, we set up a memorandum of understanding so there could be supervision of offenders and so that it was not just a case of saying, ‘Well, in your diocese you have to supervise these people’. We have tried to help them to do it.

We are not responsible in Towards Healing for them doing it, but in Towards Healing I saw us as being responsible for setting up better practices, for setting up processes, for helping people, for training people and things like that. The number of times that people would ring up and say, ‘Angela, I know you have trained us. I have been to training days. This has hit my desk. What will I do? Walk me through it’. I am not responsible; they are responsible, but I am there to help and work them through it. Does that make sense?

Mrs COOTE — Yes, it does, but can I just ask you to tease it out a little bit? In relation to the 307 victims who you have spoken about and who have had substantiated claims, you will have seen — and I think you admitted or suggested it before — that there would be certain priests whose names came up time and time again.

Sr RYAN — Yes.

Mrs COOTE — We have had 32 people who have come to this committee and talked about Towards Healing and, sadly for Towards Healing, have not had a very positive experience. But in any case, the issue for them is where does that go if in fact you see something systemic? You see a priest whose name comes up time and time again, and you see a trend. We have certainly seen the trends coming through with a number of people who have given information to this inquiry. If you were to see a trend and you say, ‘Hello, this is a red flag; this is a priest that we should be watching’, and you have said you do not have any authority over the local jurisdiction — —

Sr RYAN — No, but I would not do nothing.

Mrs COOTE — That is what I am asking you. What would you do?

Sr RYAN — I would go and talk to the leader of that group. The thing is, as I said, I am in the national office, the director here, but — —

Mrs COOTE — That is what I mean; that is exactly what I mean.

Sr RYAN — I know.

Mrs COOTE — Everybody says it is someone else.

Sr RYAN — No. I would have to say that we have really tried to make sure those things are known.

Mrs COOTE — If that bishop himself was implicated, who would you go to?

Sr RYAN — If the bishop is implicated, the matter does come through the national office and is worked out through there. You would go to the head of the bishops conference and would certainly make things known.

Mrs COOTE — You would still then go on and tell the Congregation for the Doctrine of the Faith in Rome? You would report it to them as well?

Sr RYAN — Yes.

Mrs COOTE — Could you tell us who took over from you?

Sr RYAN — Yes, Sister Denise Fox. We waited two years to find the right person. I would have walked out two years earlier if I had had the chance. We did go looking to find somebody who they thought would be able to do it.

Mrs COOTE — I hope she is tenacious!

Sr RYAN — Have you gathered I am?

Mrs COOTE — I would just like to talk to you about a couple of issues to do with counselling and also with apologies. As I said, we have had many people come to us with very negative attitudes and experiences through Towards Healing. Counselling is an area that I would like to ask you some specific questions about. I understand that victims are given five sessions of counselling. Who pays for that?

Sr RYAN — The diocese or congregation involved.

Mrs COOTE — So you direct them to pay that?

Sr RYAN — Let us start at the beginning. Counselling comes in several ways. One is while people are going through the process, and that is why when people come forward at the beginning we certainly set that up. But now when most people come to us they already have a counsellor, and so it is not a case of needing to set that up with people. But that is counselling going through the process, and then there is counselling following that, which would be looked at in the facilitation at the end of the process. Years ago when we started, with facilitation we used to get people to keep sending in their accounts to the church authority and the church authority would pay them. We were made aware that that was keeping the person dependent, and so we said,

‘That is not a good way to do it’. We actually changed that and said, ‘No, in the facilitation ongoing counselling needs to be built into that’.

Mrs COOTE — Let us say they were to have a payment at the end.

Sr RYAN — Yes.

Mrs COOTE — Is that part and parcel of that payment?

Sr RYAN — Yes.

Mrs COOTE — And going forward, is that taken into account?

Sr RYAN — That is built into it. We find that people come back, and if people come back to the director about counselling, they agree to contact the diocese or congregation to arrange formal counselling.

Mrs COOTE — If they had a smallish payout, and they had a lot of counselling, that has to come out of their small payment; is that right?

Sr RYAN — That should be negotiated properly at that stage.

Mrs COOTE — If it is not, can they come back to you?

Sr RYAN — Yes.

Mrs COOTE — And you would help to reassess the ongoing counselling?

Sr RYAN — The director would help to take them back to the church authority that would be paying that counselling. The Victorian director has said that over recent months, through this inquiry, she has had a number of people come back to her.

Mrs COOTE — Presumably those people had had their cases settled?

Sr RYAN — Yes.

Mrs COOTE — And they had done it, and so now they are coming back to you. How are you approaching those people that are coming back to you?

Sr RYAN — The director?

Mrs COOTE — Yes.

Mrs COOTE — Well — —

Sr RYAN — Yes, I know what you mean. The director is agreeing to go to the congregation leader or the bishop to follow that through.

Mrs COOTE — And do you expect the bishop to pay up?

Sr RYAN — I believe that is happening. I have not checked in detail but I have said to the director, ‘Is that working well?’ and she said yes.

Mrs COOTE — Okay, so it will be at the bishop’s discretion?

Sr RYAN — Yes.

Mrs COOTE — Okay. Now the apology. The apology has been a real sticking point for the people that we have listened to. They do not feel it is adequate. They feel betrayed, and in many cases feel that in fact it has made their whole situation much worse than it had been. Betrayal is probably the term that comes out most — —

Sr RYAN — Mrs Coote, I am so sorry to hear that. I do not know what to do. I do not know how we can do better. If people have shown me, personally, letters of apology, I have often given my advice; but I think — I have been at some facilitations and I believe it is done well. I have not been at a whole lot because it is not the role, I have only been there if people wanted me to. I am sorry and if you can work out how we can do that better, please let me know.

Mrs COOTE — One of the sticking points for people is that they might get an apology from the relevant church authority, but they do not seem to believe that that apology covers both the damage that they have suffered and a genuine acceptance that the conduct of the church was wrong, and that is the sticking point. They do not believe it is in fact a sincere apology because they see it acknowledges the suffering they have had but it does not accept responsibility that they have to that specific abuse.

Sr RYAN — I do not know how to do that differently. I do not know whether people class me as somebody who does not apologise in that way. I believe there should be genuine apologies and the church should accept that things have been done wrong and this should never have happened in our church.

Mrs COOTE — I think we hear people saying it should never have happened. I think we are beginning to hear from people who are coming to present to this committee from various church organisations who are finally saying that in fact they did cause this abuse, but I do not believe — and certainly the victims do not seem to believe — that it is acknowledged in those letters of apology; that it is lip-service rather than heartfelt. So that is certainly what we are getting.

Sr RYAN — I can only take that on notice. I will take that about letters of apology back to the people who are now doing the work and say that that is an area that needs a lot of work and my initial thinking is that we get some psychologist to help us with how that can be done, to get the right spirit into people, to train people. I take it on board.

Mrs COOTE — I think that on behalf of victims, they would be particularly keen. It might be interesting to go back to see the ones that you have dealt with already and perhaps see if you could revisit those apologies in light of what you have understood from this inquiry. But one of the other issues that they are having problems with is accepting an apology when an ex-gratia payment from the relevant church authority is accompanied by a declaration that the liability is not admitted. I know in very early work, there was a document from the bishops conference in 1992 where it said, and I will quote here — —

Sr RYAN — You do not need to; I know it.

Mrs COOTE — You know it? Okay.

Sr RYAN — You may quote it if you like — don't let me stop you but — —

Mrs COOTE — You know it better than I do but the reality is in that — and it was the forerunner of Towards Healing — the church, in dealing with allegations of criminal behaviour, is: ... to act so as to prevent or remedy a scandal' and not, under any circumstances, to admit liability.

That culture still seems to be permeating all of the areas in the apologies today, which victims who have presented to us still feel is endemic within the church culture.

Sr RYAN — I do not know which part to answer. Let me start with that document. I was around and party to that document. It was our first attempt. It was bad. Bishop Geoffrey Robinson — and I rang him yesterday to check my facts — he came onto the committee in 1994, and instead of saying, 'We are going to look at that document and do something about it', he said and we said, 'We are going to start again'.

That document is not worked from, it is a case of starting — what are the premises we want to start with? And that is where the bishops had said to him and to us, that they were not satisfied with that and so we started again and that is where the whole victim-centred approach that was put into Towards Healing came from, as a total new thought; not a rewrite of that. I agree that the things in that — I hear you saying that we have not totally got rid of that culture, I have said I will look at letters of apology and things and I will get that matter taken up.

Mrs COOTE — I am sure you will. Can I ask you, on your national role, just as a comparison, you have had 307 victims here whose allegations have been sustained; how many nationally have you done?

Sr RYAN — I do not know the answer to that but I can find it if you want it.

Mrs COOTE — It would just be interesting as a contrast.

Sr RYAN — Can I say, just to flesh out that 307, that it was 307 that occurred in Victoria.

Mrs COOTE — Yes I am aware of that.

Sr RYAN — Most of them went through the Victorian office but some of them went through interstate offices.

Mrs COOTE — No, I understand that.

Sr RYAN — I do not know the answer.

Mrs COOTE — Sister Ryan, thank you very much indeed.

The CHAIR — Thank you, Sister Ryan. And I should also clarify that I think I said 403 complaints, but my mental arithmetic was a little out — it is actually 405. Mr O'Brien highlighted the correct figure for me.

Sr RYAN — I do not know whether mine was the same.

The CHAIR — It was 307, 77, 9 and 12, so I think it comes to a total of 405. Is that correct?

Sr RYAN — That is right.

Mr O'BRIEN — I will talk about those calculations, but I am just going to give a copy to you. I will come back to those calculations if you like, because they are being distributed, but can I pick up where you were discussing apologies with Mrs Coote?

Sr RYAN — Yes.

Mr O'BRIEN — One of the things that we have heard in relation to what is wrong with the level of apology at the moment, and this includes the public statements by Cardinal Pell and the Pope as well — —

Sr RYAN — Excuse me, I do not have control over either of them.

Mrs COOTE — That is a pity.

Mr O'BRIEN — That may well be, but the complaint that is said is that they are generic in nature and, as Mrs Coote said, they amount to lip-service; and effectively they are replicated in the form of standard letters of apology that go out to individual victims. One of the things that many victims seek, and not all, because there is this issue of confidentiality, but some victims who have already entered the public domain through the criminal justice system for one reason or another have sought quite the opposite type of apology, which is a detailed account as to what happened and how it could have come to pass. Have you had that sort of complaint brought to your attention?

Sr RYAN — No, I have not.

Mr O'BRIEN — All right, well we have from some people.

Sr RYAN — I am quite happy to accept that and take it along with the other matters, but may I say one thing. When I came into this work my expectation was that victims would want to meet the perpetrator if the perpetrator was still alive. I would have to say I was naive. I have only known of that to happen twice, and in both cases we have been careful that we have had psychological work with both parties before they met. But I expected that might be what happened, so I do not know; but I know what you are saying here, Mr O'Brien.

Mr O'BRIEN — Thank you. They are slightly different issues.

Sr RYAN — Yes.

Mr O'BRIEN — And we have had some victims say that the last thing they would want to do would be to meet the perpetrator and some say quite the opposite there, so I will not take you up on that one. This is the extent to which the church generally and the church in individual cases has been prepared to admit its systemic failings — how this all came to pass. In the absence of these forms of inquiry, many victims and many Catholics ask you: why has the church not been able to be full and frank in its explanations to the Victorian people as to how this happened?

Sr RYAN — I wish I could answer. When I talk with people about it, and seek psychological accounts from psychologists and people who have worked in that area — working with people like Dr Monica Applewhite and with other psychologists here — to say: how did this happen? It is very difficult. Availability is one of the things that people see, but I do not know, and I do not know what we can do to look into the past in that way. But we need to do something if it is really causing distress in that way.

I guess I have concentrated, probably wrongly in their mind and your mind, on how we deal with the people that come to us now and put the work into things like integrity in ministry, integrity in the service of the church, training in so many ways, making sure that there are safe church practices. In all the things we do, I have concentrated futurewise; you are asking us to concentrate historically. Am I hearing you correctly?

Mr O'BRIEN — In the last bit. I would put it to you this way — that is, unless you have fully understood what happened in the past, it is very hard to be confident that you have got everything right for the future. Do you accept that as a proposition?

Sr RYAN — I accept that the things we have put out and the processes we have gone through in getting integrity in ministry and different ways to look at these things, we have had so much feedback on the way through that I would hope people were helping us to make sure we have picked up what were the causes in the past, so that they will not happen in future. I am not a historian.

Mr O'BRIEN — I just saw Ms McMahon nodding during that answer. Do you have a view that in a sense the church needed to undertake a more detailed study either in individual cases or as a whole?

Ms McMAHON — The Australian church definitely needs to do that. What we have relied on has been overseas studies and research: the two John Jay reports and other international studies to inform our guidelines and to inform our protection and prevention strategies. I agree, though, that it would be a good thing for the Australian church itself to do that.

Mr O'BRIEN — Just to clarify some of the evidence you put there, Sister Ryan: in relation to the Christian Brothers, they have not undertaken a study in Victoria.

Sr RYAN — No.

Mr O'BRIEN — They gave us evidence about studies interstate.

Sr RYAN — I heard that.

Mr O'BRIEN — So we have three of the worst organisations within the Catholic Church in terms of the incidence of abuse — the Christian Brothers, the Salesians and the St John of God Brothers — all coming before this inquiry, but none of them having undertaken a systemic investigation beforehand, yet all of them acknowledging that it would be a good idea. Can I ask you: has there been a resistance to that because the church has been worried about its reputation still?

Sr RYAN — No.

Mr O'BRIEN — Clearly you accept it was worried about its reputation back when it got the document you discussed with Mrs Coote.

Sr RYAN — I was part of the church, but I was not part of this area. I hear what people say to that, but I certainly think we have tried to put our issues into the future rather than that way. I keep saying and I say to my sister who is a historian, I have not a historical bone in my body, and that does not mean that I am not concerned about what we do so that we prevent this, but I am happy if that is the way it should be done, then it needs to be looked at.

Mr O'BRIEN — Let us take something that you probably are more familiar with, which is the notion of sin and, say, confession. If one is to go to confession, as it was when I was raised, the first thing you need to do is confess your sins. That is in a private form with a priest as a representative of God; but it first requires before penance or forgiveness that there be that confession. Do you accept that?

Sr RYAN — Yes.

Mr O'BRIEN — And that in this instance the church, whilst it has perhaps dealt with individuals in the way that you subscribe has not undertaken a systemic self-examination in public as to what has gone on. It has not undertaken the first step of understanding its failings — a confession.

Sr RYAN — I think it has undertaken the step of trying to look at what did happen so that we stop things into the future. Is it in public? No. Might it be done differently? Yes, but I think there is some consideration that that is what you are looking for.

Mr O'BRIEN — I am happy for you to point to me anywhere where the church has undertaken that first step at all. We have not seen any systemic documentation in Victoria of any — —

Sr RYAN — You have not seen documentation?

Mr O'BRIEN — It is all anecdotal, isn't it?

Sr RYAN — Yes.

Mr O'BRIEN — Okay. Just on that, in answer to I think the Chair's question you said that whenever you personally are aware of cases where the bishops are showing some systemic resistance you take it up with them and that is your mode of practice.

Sr RYAN — True.

Mr O'BRIEN — Could you give us some examples of when you have done that? This is an important public forum and we do not want to have to call you back. Could you give us some of those examples, please?

Sr RYAN — Would I be better doing it in camera?

Mr O'BRIEN — If that is what you feel comfortable with — —

Sr RYAN — Yes.

Mr O'BRIEN — We would like the evidence in public.

Sr RYAN — I will do that.

Mr O'BRIEN — We have not got an in camera hearing so you might have to write it down for us and submit it in camera.

Sr RYAN — All right, I will bring it back to you.

The CHAIR — Sister Ryan, could you speak on general terms and give an example of an instance. We do not need to know the particular details, we just want an example of a general complaint.

Sr RYAN — There would be examples where I have gone to Bishop Geoffrey Robinson when he was the leader of the group and said, 'I think we' — 'we' being Geoffrey and myself — 'need to go and talk to a particular bishop to explain what is happening. I can recall another situation where I said to a bishop, 'You really do need to see this victim. I will come with you'. That lady rang the other day to say, 'I now want to come back to church, Angela. Will you ring the priest in this parish and ask so that he will walk into the church with me and I do not do it alone'. That would be eight or nine years ago. I got that bishop to come and meet that person with me. If I believed something should be done, I have done it.

The CHAIR — Thank you for that example.

Sr RYAN — Is that what you are looking for?

Mr O'BRIEN — I was looking particularly for the resistance to the culture that you are trying to advocate is the church's new direction. Obviously it was not the culture back then; we have accepted that. We need to know — —

Sr RYAN — I do not accept — I am not saying I do not accept; I do not hear — I just say 'What needs to be done now?' and go and do it.

Mr O'BRIEN — All right. Are you able to tell us the name of the bishop you are referring to?

Sr RYAN — No, not in public. But it is a fact and I have told you that it is has come back now, just recently. I will tell you in private.

The CHAIR — That is okay. We will bring that up with the secretariat. Thank you, Sister Ryan, you do not have to state publicly.

Sr RYAN — In fact I can probably think of lots of cases if I go thinking over 10 or 15 years.

Mr O'BRIEN — Could we have all those cases, even if it is in private? We really do need you to do that, thank you, and we will treat it appropriately where it comes in, but it is much appreciated.

The CHAIR — Have you got another question, Mr O'Brien?

Mr O'BRIEN — Yes, just in relation to your answers to Mr McGuire's questions, when the church did not accept the *Towards Healing* document, why was another investigation not commissioned to a more satisfactory level, picking up the faults in that first document?

Sr RYAN — I do not know.

Mr O'BRIEN — If I could just go to some of the things that occurred during facilitation, are you aware if victims have a choice in the facilitator that is appointed?

Sr RYAN — I would hope that they would have a discussion with the director so that they are happy with the facilitator. In fact in the latest version of *Towards Healing* it says that if there cannot be an agreement between the parties, the diocese or the congregation and the complainant, then the national office would appoint somebody, but otherwise it was to be agreed. That is new in the last version.

Mr O'BRIEN — When did that come in?

Sr RYAN — The last version — 2010.

Mr O'BRIEN — A second question: are they legally represented at facilitation?

Sr RYAN — It is their choice. If they want to be represented legally they are free to do so. The statement in the footnote in *Towards Healing* says that if the victim is not legally represented then the bishop or congregation leader may not be legally represented. We try to make sure that is even. There is a footnote to that effect in *Towards Healing*.

Mr O'BRIEN — Can you advise me how victims are informed of their right to have legal representation?

Sr RYAN — I would hope that the director talks with them. They also have copies of the *Towards Understanding* document. They hopefully can talk it over. I would hope that.

Mr O'BRIEN — You would hope that but you are not sure if that is the case.

Sr RYAN — I am not there in every case when it happens but they do have the book. If they have a legal representative they have the book to look at. It is all there in the book.

Mr O'BRIEN — And, perhaps fairly importantly, who pays the cost of that representation?

Sr RYAN — In the organisation of the negotiation at the facilitation that would be built into it and if they do not have legal representation there is a specific statement there to say that the church authority will pay for them to get legal representation before they sign any deed of release or anything else.

Mr O'BRIEN — That takes me to the next point because there is that provision that accepts that in relation to a deed of release. When did that come in?

Sr RYAN — I think 2000, but I could be corrected on that. I can look at them, if you like — not on the spot, but I will find that for you.

Mr O'BRIEN — We are happy to find that, and if you could find out why it came as well, that would be useful for us because — —

Sr RYAN — It came in to be helpful for people.

Mr O'BRIEN — Yes. I will not trouble you with Amadio, but what I would like to know is: do they also get legal representation through the investigatory phase?

Sr RYAN — They are free to bring any support person with them. If they choose that to be a lawyer, that is the choice of the person.

Mr O'BRIEN — And who pays for that? Is that guaranteed right to legal representation paid for?

Sr RYAN — No, it is not. It is definitely not. The support person is not paid for through that time. Any of that negotiation would take place in the facilitation.

Mr O'BRIEN — And why is that a policy, not to pay for perhaps a lawyer to accompany someone, given this difficult, traumatic process?

Sr RYAN — It is a policy that who they have as their support person is their choice, and the matter, I think, has not been raised.

Mr O'BRIEN — All right.

Sr RYAN — If you want to raise it, do so.

Mr O'BRIEN — Look, in other areas, such as compulsory acquisition for land, you have an entitlement when your land is taken to obtain free legal advice paid for by the acquiring authority, irrespective of the outcome of your assessment. There seems a resistance, certainly in the compensation assessed in the Melbourne Response, to an entitlement to paid legal presentation. I am wondering to what extent that resistance also exists in the Towards Healing facilitation and assessments.

Sr RYAN — I do not know that it is resistance; it is what has been there. I do not think it has been a matter where there have been issues raised, but it certainly is open to negotiation in the facilitation phase.

Mr O'BRIEN — And a final question: do insurance representatives play any role in the facilitation?

Sr RYAN — Insurance representatives may be there at the negotiation part, but the issue is between the complainant and the church authority. Sometimes it is handed over. At times they will say, 'Will the legal representatives for both groups follow that through?'. It depends which way it is organised.

Mr O'BRIEN — And are victims required to attend a psychiatrist regarding the effect of that abuse, as a requirement?

Sr RYAN — In some cases, yes; in some cases, no.

Mr O'BRIEN — And who chooses the psychiatrist, the victim or the church authority?

Sr RYAN — I think the director.

Mr O'BRIEN — At whose cost is any report?

Sr RYAN — The church authority.

Mr O'BRIEN — All right. Just in terms of the payments, then — the ex gratia payments they receive — can you tell me how they are assessed?

Sr RYAN — That is a negotiation at the time with the facilitator, between the church authority and the person concerned, or for their legal representatives to do that.

Mr O'BRIEN — And what happens, at least from the church's point of view, in terms of how offers are calculated and then put to victims?

Sr RYAN — Hopefully — the aim is to say, 'What are the needs of this particular person?'. And that is the aim. We do not say, you know, 'There is a schedule of offences', and therefore that is what happens. It is, 'What's the situation for this particular person? What are their needs? Where does it go from there?'.

Mr O'BRIEN — Okay. Can I ask you to confirm some numbers? Our researchers have diligently researched a number of your files that you provided to us. They have reviewed 129 files, but they only found 34 with an exact settlement amount and, of these, all settled for less than \$75 000. Do you have a view on the average settlement within Towards Healing?

Sr RYAN — That is something I have not been involved in. I have kept myself out of the facilitation process and the negotiation. I do not know, and lately — in the beginning there was no report from the facilitator back to the directors. I believe now that is happening more often, and I can well understand why you found a lot of them did not have the report back from the facilitation situation.

Mr O'BRIEN — One distinction between yours and the Melbourne Response is that the Melbourne Response is capped at \$75 000, whereas yours —

Sr RYAN — Is not capped.

Mr O'BRIEN — is, in theory, uncapped. Of the data received, are you aware or able to confirm these numbers: that of the three that were more than \$75 000, one was settled with Towards Healing for \$100 000?

Sr RYAN — I have no knowledge. I cannot confirm any of that; I am sorry. If you read it in the files, I would believe it, but I cannot confirm it.

Mr O'BRIEN — You cannot confirm it. That is fine.

Sr RYAN — I have had no knowledge of facilitations.

Mr O'BRIEN — If Ms McMahon can confirm, that would be fine. No? All right. The other thing that has happened is that some victims who have started in Towards Healing or otherwise were eligible to start in Towards Healing have taken legal action outside of Towards Healing. Our researchers are aware of a number of cases that have settled for substantially more in a litigation process. Are you involved in that process at all?

Sr RYAN — With Towards Healing, if they choose to move to the police, we automatically stop, but we do say, 'You can come back afterwards if you wish'. If they go to a civil process, that is for them, and we step out; we do not continue.

Mr O'BRIEN — Thank you for that. The last thing I am going to do is just — —

Sr RYAN — Come on, you had a last one before! No, come on.

Mr O'BRIEN — One last one, just on the numbers, if I could, just some percentages. I am providing you with two handwritten documents that I have just prepared, listening to you. If you see the numbers there, you just have 307 victims upheld. I have worked that out to be 76 per cent of the total 405 that I got. You also have 77 unable to be substantiated —

Sr RYAN — But treated.

Mr O'BRIEN — but treated as if they were. So that is 19 per cent. If I add those two percentages together, you will see on the first one that I get about 95 per cent in those first two categories, and you have the yet to be determined. That is another 2 per cent, at 9. You actually get up to 97 per cent. Do you see those basic maths, as far as I can tell?

Sr RYAN — Yes. I am a maths teacher.

Mr O'BRIEN — Good. You might be able to understand my second table, then. I have been a bit more generous to you. I have actually taken the percentage, 76 per cent — yes, that one; the more complicated one; thank you, Sister — of the second category, of the 77, which comes to about 59, and also of the 9. So that if it is only about 76 that have been determined, you end up with a range of about 92 per cent, if you apply those across. So again, in comparison to Melbourne Response, if you add about a 76 per cent acceptance rate, being generous to you, you would accept the rate is somewhere between about 92 per cent and 97?

Sr RYAN — All right. But there was a 12 on the end, some of which are not completed yet, some of which are with the police. Oh, no; the 12 were — —

Mr O'BRIEN — The 12 — I have excluded them altogether. They are the unsubstantiateds.

Sr RYAN — Right. There were some — whatever the figure was — —

Mr O'BRIEN — To be determined; that is the 9.

Sr RYAN — The 9, yes.

Mr O'BRIEN — So I have given them the same, 76. Anyway, it is just a range. I am happy for you to check those numbers later. If you could confirm them, they are important for us.

Sr RYAN — Yes.

Mr O'BRIEN — Thank you.

The CHAIR — Before I go to Mr Wakeling, could I get some clarification in relation to the question Mr O'Brien asked about psychiatrist reporting for victims or whether they attend a psychiatrist? You said in some cases yes, some cases no — they are required to attend or see a psychiatrist. Is that correct?

Sr RYAN — That is what I said, yes.

The CHAIR — It is our understanding in the Melbourne Response that nearly all victims are required to have some sort of — —

Sr RYAN — I am sorry. I do not know the answer about the Melbourne Response.

The CHAIR — I am not asking you to comment on Melbourne Response.

Sr RYAN — All right.

The CHAIR — My question is again this differentiation point between the Towards Healing process and the Melbourne Response process. Because a number of areas have been highlighted to us as differentiation points, have you got a view towards that whole process of why the Melbourne Response might act in one way and Towards Healing acts in another, when we are talking about victims who have generally similar types of experiences in relation to the abuse that they may have suffered?

Sr RYAN — If you are talking about the Melbourne Response, you are talking about one church authority. If you are talking about Towards Healing, you are talking about — in Victoria — three country dioceses and 20 or 30 religious congregations, so there will be differences in their approach as it goes to those people.

The CHAIR — Even though in Facing the Truth they say they share information between the two processes?

Sr RYAN — We do not share information about every case that comes to Towards Healing or every case that comes to the Melbourne Response. It is only if, for example, you had somebody, a Brigidine sister, who was teaching in a parish school. That would cover two things: it would cover a congregation — my congregation — and it would cover the Melbourne archdiocese in a primary school. They would in that case talk about how the matter should be dealt with: was it mainly a Brigidine matter, or was it mainly a church matter as it goes? That is where information would be shared, but otherwise if they are totally separate, then there would not be a sharing of information.

The CHAIR — Thank you. I am not going to go into the detail of that. I think it just goes to Mrs Coote's point that it appears to us that it is a very convoluted process and structure, and we are trying to just get a handle on why one process operates in the way it does compared to another when it is similar issues approaching those processes, but I will move on to Mr Wakeling.

Mr WAKELING — Thank you very much for your presentation today. Sister, if I may, just to seek some clarity, can I clarify what your role was within the organisation? Was it more of an overview role, or were you involved in assessments and/or facilitations?

Sr RYAN — It was an overview role. It was a training role. I was around when there were the reviews of Towards Healing. I was around through the setting up of *Integrity in Ministry*. We ran training days for bishops and congregation leaders. We had days with the directors. We had assessors and facilitators. It was a training overview sort of situation. It was setting the process so that it would keep going.

Mr WAKELING — Can I take you to Mr O'Brien's calculations? I am not wanting to talk to the figures, but of the group that is able to be substantiated — the 77 — did they receive compensation?

Sr RYAN — They would have been offered a meeting with the church authority and, in most cases, would have received something that was needed. The Towards Healing approach is: what does a person need? It could be that the person needs to learn to read and write. It could be that the person needs help to learn to use a computer so that they can get a job. It could be that they need training and help in terms of practice in going for job interviews, or it could be financial, so it goes across the whole range as an approach to what that person needs.

Mr WAKELING — If I may, if they did receive financial compensation — —

Sr RYAN — They could have received; yes.

Mr WAKELING — If they did, would that have involved the execution of a deed?

Sr RYAN — It may, depending on who was the church authority.

Mr WAKELING — Can I just ask for the record, when you receive a complaint and you have addressed the issue of whether or not the matter is actually referred to the police, when an allegation is received what happens with your information about the alleged perpetrator? Is that information fed back to the church authority?

Sr RYAN — When the complaint comes in and it goes to the director of professional standards, the director appoints a contact person. The contact person meets with the complainant at that stage, takes the case and gets it written down. Then when a signed contact report comes in to the director, they would then contact the church authority, because they then know what the complaint is and who the church authority is, so at that stage it would be referred to the church authority.

Mr WAKELING — If that complaint concerns a person currently in ministry or currently employed, do you make any comment to the church authority?

Sr RYAN — Definitely, and you will notice in 2003 we introduced the use of consultative panels. At that stage we were trying to stop a bishop or congregation leader making a decision by themselves. If you look at the 2003 version, and it is now in the 2010, they were to have a consultative panel that had psychologists and lawyers and they were to use that to get advice. It also says explicitly in Towards Healing that the director can at any time give advice about the standing aside of a person. The national office does not have an official role there, but many a bishop or leader would ring and say, 'Angela, this is what I have got. Should we get this

person to stand aside?'. I am not still in the national office. I answered this two days ago: should we stand this person aside now or should we wait for something else? Answer: if any child is at risk in any way, we should. I jump up and down when people say 'standing down'. I make them say 'standing aside pending investigation'.

Mr WAKELING — Can I take you to the assessment process that is undertaken. We have had a number of concerns raised with us through the proceedings about that process. With respect to the assessors, what training is undertaken specifically in regard to dealing with issues of child abuse?

Sr RYAN — Am I allowed to hand this one to Paul, who is an assessor?

The CHAIR — I was going to ask whether Mr Murnane might like to answer that question.

Mr MURNANE — On the aspect of training, when we first started with Towards Healing — it was in about 1996 — we identified certain people who we thought would be able to be conduct the assessment role. With my experience in the police force over a long time we had training sessions with these people in regard to all sorts of things regarding investigation, but mainly in regard to communication skills, in regard to how to ask questions — not leading questions — and all those sorts of things, particularly with the contact people. The contact people are people who go out and people, for the first time, victims have told their story to. It is little bit different to an assessment. The contact people were trained to listen, get the whole story, write it all down and then ask them to go over it and sign it, and it would then go back to the church authority, as Angela mentioned before. With the assessors it is a little bit different because it is a bit more responsible role insofar as it involves working on behalf of the victim to go and try and find evidence to support what they are saying. So during that training process we went through those sorts of avenues of inquiry based on my experience with Victoria Police over a long time, particularly as an investigator.

Mr WAKELING — Are victims informed when they are going through this process that those doing the assessment are in fact former members of Victoria Police?

Mr MURNANE — Not necessarily. Some victims, as I understand, it are told. I think there also are victims who realise that some of the assessors are members of Victoria Police and object to it and then there are new assessors appointed.

Mr WAKELING — Are victims informed that often they are not the only victim in a particular case?

Mr MURNANE — I am not sure about that as a matter of course. I am trying to think of examples if I have done that. I may at some stage during the investigation process to build in a bit more comfort for the victim let them know that they are not the only one. I think it is fairly important that they know that. It may not be told to them right at the beginning of an assessment.

Mr WAKELING — What standard of proof do you require when you are doing your assessment?

Mr MURNANE — On the balance of probabilities.

Mr WAKELING — On the balance of probabilities. Okay. Given this process is an alternative to issuing legal proceedings and a release is required to be signed on receipt of an ex gratia payment, why have such a standard?

Mr MURNANE — I think that is probably one to flick back to Angela. I have nothing to do with facilitations.

Sr RYAN — Sorry, I was relaxing and was not listening.

The CHAIR — I will get Mr Wakeling to rephrase the question.

Mr WAKELING — Given the process is an alternative to legal proceedings, why then do you go through a process which involves signing on receipt of an ex gratia payment a deed of release?

Sr RYAN — It became custom. I do not know the reason or where it started. I know that it is less the custom now. That does not answer your question, but it is telling you a fact that we have gone more now to letters of acceptance rather than deeds of release. I think that would be one of our learnings through the process.

Mr WAKELING — Can I put to you, if I may, sister, that Towards Healing does not sit well with the executing of a deed of release?

Sr RYAN — Fair enough. I guess that is why there has been a movement there, but it is certainly where we started. I guess I would probably say in the beginning people were more directed by lawyers than we are now.

Mr WAKELING — Is the assessment report available to both parties or only the recommendation?

Sr RYAN — Towards Healing says that both parties are required to receive the findings from the assessment report. We started that because sometimes within an assessment report there would be information provided by other people, but we certainly try to make it as open as possible. I will hand back to Paul for the actual process there because he is the assessor. I have never done an assessment. No, that is not true. I have done one in a case where there was a specific reason why I did it.

Mr WAKELING — You have raised concerns about the deed of release in terms of its relationship with Towards Healing.

Sr RYAN — I have raised concerns to say we are thinking about other ways to do it and what have we done.

Mr WAKELING — So do you have an opinion of what should happen?

Sr RYAN — I think you would need to take each case. There may be cases where there should be a deed of release, so people are not going to come back in a particular case. There should be other cases where it is not like that, and it should be an acceptance. I would need to think further, but you can hear that our thinking has moved a bit.

Mr MURNANE — Going back to your question in regard to what the victim or complainant receives insofar as the assessment report, they receive a bit more than the findings and the recommendations. They actually receive the summary of the evidence, as well as the findings and the recommendations. The reason for that is that in the summaries it will be less likely that people will be identified, such as other witnesses who have helped during the assessment.

Mr WAKELING — If I could just take you back to that question I just asked, Sister, when did the thinking in Towards Healing change?

Sr RYAN — Good question.

Mr WAKELING — Today?

Sr RYAN — No, the last few years.

Mr WAKELING — But, if I may, I would assume that matters that are currently on foot would still involve deeds of release.

Sr RYAN — I think I would have to say some will. It really is at this stage what is right for any particular case, but certainly there has been some thinking is what I can say. Letters of acceptance are sometimes used, and we have talked about that. There has been no change to Towards Healing per se, but it certainly has been under discussion for some years.

Mr WAKELING — Are victims able to have legal representation through the investigation process?

Sr RYAN — Yes.

Mr MURNANE — Yes.

Mr WAKELING — And who would pay for that?

Sr RYAN — It would be sorted out in the facilitation at the end.

Mr WAKELING — But that would be paid up-front?

Sr RYAN — No.

Mr WAKELING — Or would the cost immediately be borne by the victim, and they would have to then seek reimbursement?

Sr RYAN — Yes.

Mr MURNANE — That is right.

Mr WAKELING — How frequently does a victim utilise the contact person as their support during the process?

Sr RYAN — A lot of victims, especially nowadays, use their counsellor, their husband, their wife, their partner or their whatever. Not a lot use the support person, but the support person is available there.

Mr WAKELING — If I may, I think it is probably appropriate to put this to Sister Ryan, you have indicated many of the victims do not want to go to the police?

Sr RYAN — Yes.

Mr WAKELING — Do you see there is a potential anomaly in the process that the people undertaking the assessment are in fact former serving members of the police force?

Sr RYAN — I have not seen it that way. That is an interesting point that I had not thought about. But they are not going to the police as such.

Mr WAKELING — We have certainly had evidence presented where concern has been raised about the fact that people have not wished to involve the police, but they have in fact found out that the person undertaking that investigation was a former serving member of the police force.

Sr RYAN — I accept that comment.

Mr WAKELING — So is that something that has been considered in the past as being of concern?

Sr RYAN — No, I have now accepted that you have raised an issue that we need to think about.

Mr WAKELING — Earlier you raised an issue regarding the capacity for a victim to meet their perpetrator. I think you said that it only occurred in two circumstances.

Sr RYAN — That I know about, yes — that I was involved in.

Mr WAKELING — I accept that. You raised concerns about that meeting.

Sr RYAN — No, I raised learnings about that meeting. After I had sought advice from psychologists as to how this should be done properly so that nobody was harmed, we made sure, in those two cases that I know about, that there had been work with the psychologist for each party and the agreement that way that it happened.

Mr WAKELING — I thank you for that. We had evidence presented to us by Melbourne Response, and I appreciate it is a different but similar process. In that process if there is a dispute in regard to a finding — —

Sr RYAN — Yes, I only found that out the other day. I had not realised that that happened.

Mr WAKELING — They indicated that there were 16 cases where they undertook their own quasi-court case to determine a finding, and in that circumstance the victim and the alleged perpetrator appeared in the same proceeding, which I understand involved no prior psychological or psychiatric assessment or assistance. Do you have a view on that?

Sr RYAN — I only learnt about that the other day. To my understanding, but I only heard it in passing, I think it was done in a totally different way, in a court-type process, whereas we were looking at a pastoral meeting. I think they are different processes. It needs discussion.

Mr WAKELING — Would you support a process where you brought the perpetrator and the victim together in the same room without prior psychological and/or psychiatric assessment and/or assistance?

Sr RYAN — I am working through the Towards Healing process, and we set up a pastoral response, and in a pastoral response I would be looking to do it the way that I sought advice to do it. As I said, my major surprise in coming into this work was that more people did not want it.

Mr WAKELING — But I can take that as a no.

Mr McGUIRE — Just quickly on confidentiality clauses, they have caused some concern and confusion according to the people who have come before us. Are you aware whether there is a consistent approach between the relevant church authorities regarding confidentiality clauses?

Sr RYAN — Can I say as far as I am concerned all confidentiality clauses have been wiped, and it has been suggested that they are wiped and all of those things.

Mr McGUIRE — So they will not be enforced? We can take that as gospel — to use the appropriate word, I guess, in this case?

Sr RYAN — As I say to people, ‘What are you going to do if it turns up on the front page of the paper?’. That is just my answer to it that I give to people.

Mr McGUIRE — I know you are trying to give an answer, and we are just trying to get it for the record, but there has been concern raised. People feel really anxious about this issue. They do not want to somehow do the wrong thing. Can we take that as policy?

Sr RYAN — You can take that as policy.

Mr McGUIRE — So no-one needs now to be bound by a confidentiality clause?

The CHAIR — You look a little uncomfortable.

Sr RYAN — Here am I speaking for a whole lot of people. Let me put it in another way. I do not think there should be people bound by confidentiality clauses. If they have any worries, come to somebody and find out that it has been wiped officially — if they are still worried.

Mr McGUIRE — But is there a general statement, because they are concerned that this could legally come back to bite them in some way?

Mr MURNANE — It is very difficult for Angela to answer that question on behalf of a whole range of church authorities. Each church authority might think differently, and to ask Angela to give an answer to a question for a lot of people, is very difficult for her.

Sr RYAN — Which is what I have always said to them: they should not be doing it. I am not speaking against what I have always said, but I really cannot speak for a whole lot of people. I can say the advice I have given to everybody all along is: don’t.

Mr McGUIRE — Would it be wise and good policy for that to be enacted?

Sr RYAN — Yes. It will go to the national committee with another list of things I have got here.

Mr WAKELING — Mr Murnane, earlier, in answer to one of my questions you provided a response about the standard of proof. Can you provide some explanation as to why that standard is applied?

Mr MURNANE — The balance of probabilities?

Mr WAKELING — Yes.

Mr MURNANE — That is the way it was set up by Towards Healing in the first place. As you understand, with criminal investigations there is a much higher standard. This is a very much lower standard of proof.

Mr WAKELING — Do you have an opinion on that?

Mr MURNANE — Yes, I do not think it is a bad standard. When you analyse ‘on the balance of probabilities’, it is virtually about a gut feeling about a thing. When you bring it right down, when you have got to make decisions about whether a matter is substantiated or not, you virtually say to yourself, ‘It is more likely that it happened than it did not’. I think it is a very good standard to work to, bearing in mind that we, as ex-police, in any case do not enjoy the resources of Victoria Police any longer and so without those resources we rely on other ways of getting to a substantiated outcome, and so on the balance of probabilities I very much enjoy as compared to what my old job demanded.

Mr WAKELING — But if I may, in your former role, would you have applied the same test?

Mr MURNANE — Applied the same test in my former role?

Mr WAKELING — As a standard of proof?

Mr MURNANE — No, not at all. No, there is a different standard of proof. You have got to get to a court and you have got to get a conviction, at the end of the day. It must be a higher standard in those circumstances.

Sr RYAN — May I add one thing to that?

The CHAIR — Yes.

Sr RYAN — In terms of the standard of proof, when I talk with different police people they say the advantage that we have in the balance of probabilities is that you can take into account that there were other similar cases, whereas the police, I believe from my understanding, cannot do that. They have to deal with the particular case that is under investigation and they cannot use the fact that the same person has offended in other places. I think it is fairer to the victims in terms of being able to take that into account, and that is what we would be trying to do in terms of being fair to victims.

Mr MURNANE — Just to correct Angela a little bit on that — sorry Angela.

Sr RYAN — That is okay, I am not an assessor; I have said that.

Mr MURNANE — There is evidence available in those circumstances which under certain circumstances is admissible in a court of law, and that is similar-fact evidence, in certain circumstances.

Mr WAKELING — How many cases have you been involved in, Mr Murnane, through this process?

Mr MURNANE — It is hard to say. I would suggest maybe about 40-odd; something like that.

Mr O'BRIEN — Just one question on that, Mr Murnane. If we are talking about civil compensation, which is what many of the victims are seeking, the standard is not beyond reasonable doubt, it is balance of probabilities. If you are talking about a criminal investigation, then your answers might be correct, but for a civil test should it not be, as Sister Ryan has said, a simple standard of on the balance of probabilities at the assessment stage?

Mr MURNANE — It is on the balance of probabilities.

Mr O'BRIEN — But you also apply Briginshaw on certain allegations, do you not?

Mr MURNANE — I am sorry?

Mr O'BRIEN — Do you apply the Briginshaw test as well?

Mr MURNANE — I am not sure about the Briginshaw test, but my understanding of the balance of probabilities is exactly what I said. It is about a gut feeling, and if you have a feeling that the events were more likely than not to have been committed, that is the standard I work to.

Mr O'BRIEN — Okay, thank you.

The CHAIR — Sister Ryan, I think you would like to make some concluding remarks to the committee.

Sr RYAN — I would be happy to. The abuse of children by church personnel is appalling and is criminal. It should never have happened, and it is crucial that we all take the many steps necessary to respond to the needs of all victims and to put in place robust, preventive strategies now and into the future. We appreciate the courage victims have shown to come forward. It is not until you sit with somebody who has been abused and hear and feel some of their pain that you begin to realise the long-term effects of child sexual abuse and the pain suffered by victims. I have sat with many victims and with parents who have felt guilty that they did not protect their children. I am deeply ashamed of the appalling actions and crimes of some church personnel. Towards Healing is a pastoral, non-legal response to help those who have been abused. It is a process in which each victim is treated and supported as an individual.

The setting up of Towards Healing gave victims an alternative to the civil or criminal processes and may have shown victims that the church was beginning to understand the effects of abuse and was willing to listen to victims. We have given the Victorian parliamentary inquiry access to all of the Towards Healing files, and representatives of the inquiry attended our offices to inspect them in detail. We complied with a further request for specific files. We have nothing to hide, and I believe the review of our files will have demonstrated the integrity of our processes. The church's strong preference is that all allegations of criminal conduct are reported to and investigated by the police. It is also my strong personal belief that matters of child abuse are best dealt with by the police or civil authorities. Many people do not want to go to the police for a wide variety of reasons, even though we strongly encourage them to do so. In a significant number of cases victims eventually agree that they are willing to go to the police, and if that is the case, we help them to do so.

A key question for this inquiry is how to respond to victims who do not want to go to the police. I believe that the church cannot turn its back on these people and that we need to own the problem and offer a way forward. For some victims, it is important that the process is a process offered by the church, and Towards Healing is clearly a process that the church has put in place.

When a person chooses to remain with the Towards Healings process, they are offered an assessment which is independent of the bishop or congregation leader. One of the important parts of Towards Healing is the facilitated meeting between the victim and the bishop or congregation leader. It gives victims a chance to have their say to the current leader. I have witnessed the great benefit this can bring to victims. It enables them to have their say in person and to be heard by somebody in leadership, to receive an apology, talk about ways they can be assisted in the healing process, and ask questions about the offender. It also enables the church authority to respond pastorally to the victim and to give consideration to the needs of the victim and their family. In this face-to-face encounter, a church leader knows the pain and brokenness of the victim in a way that never leaves them. No longer is abuse just a statistic; it has a human face. This process has helped the leaders in our church to come to a deeper understanding of the long-term effects of child sexual abuse.

As a church, we are committed to recognising our failures and taking responsibility, as I am personally. I am appalled that abuse happened. I am sorry and saddened that our early responses were too slow and inadequate and that we completely lacked insight into the prevalence and effects of child abuse. When I first became involved in the late 1980s, I did not properly understand or appreciate the extent of the problem. I was certainly not alert to the deception and cunning of perpetrators. Unfortunately, as a church, we simply could not believe that a priest or religious could do such appalling things, and we trusted their assurance that they would not offend again.

The learnings from Towards Healing have informed our protection and prevention strategies and alerted the church to significant risk factors. Two of our key documents, *Integrity in Ministry* and *Integrity in the Service of the Church*, have been compiled to promote best practice in behavioural standards across the church. We are open to suggestions as to how to improve the process, and we look forward to this inquiry and the royal commission making recommendations in relation to such improvements. I hope that some of the recommendations from this inquiry will include enhanced mandatory reporting and child protection legislation, as is proposed in the church's *Facing the Truth* submission and that — this is an aside — legislation is the same across the whole country.

Above all, I hope that this inquiry will help victims and assist them in finding the healing they need and deserve.

The CHAIR — Thank you, Sister Ryan. Can I again, on behalf of the secretariat and the committee, thank you very much for allowing us to access those files and for your cooperation in doing so, and for your submission, Mr Murnane. On behalf of the committee, can I thank the three of you for your appearance this afternoon. Your evidence has been most helpful.

Sr RYAN — Thank you.

Witnesses withdrew.