



VOLUME 1

Where from and where to: The Truth Justice and Healing Council, the Royal Commission and the Catholic Church in Australia

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The Truth Justice and Healing Council
is coordinating the response of the Catholic Church in Australia
to the Royal Commission into Institutional Responses to Child Sexual Abuse

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1 Introduction

The Royal Commission has laid bare the extensive history of the Church in the sexual abuse of children in its institutions and of the devastating failure of the Church to put the interests and the protection of children and vulnerable people first. An almost inevitable conclusion is that too many of those who were in a position to protect children instead looked to the preservation of the reputation of the organisation and thus to the shielding of perpetrators.

The lives of victims and of their families and loved ones have been devastated by the effects of clerical sexual abuse and that must be, and remain, at the forefront of the Church's thinking and actions as it tries to come to grips with the tragedy and to deliver justice to those who have been harmed while in its care.

One of the major consequences of the abuse crisis has been the loss of trust in Church leadership and their moral influence. One of the great challenges for the future will be the restoration of that trust.

There have been some landmarks on the tortuous journey of the Church towards recognition and acceptance of its part in the scourge of institutional child sexual abuse and to deliver compassionate justice to the victims and survivors of these crimes.

The creation of *Towards Healing* and *The Melbourne Response* in the mid-1990s was one such touchstone: the redress and support agendas developed by various religious orders well before the establishment of the Royal Commission was another.

Significantly, the commitment of the Church to cooperate with the Royal Commission demonstrates a developing awareness within the Church of the damage and suffering endured by children and young people in its care over many decades.

Five years on the Royal Commission has completed its public hearings and submitted its final report to the Federal Government on 15 December 2017.

The Truth Justice and Healing Council has accompanied the Church leadership on each step of the journey and, indeed, has led the way in many instances.

Like the Royal Commission, the Council has a finite existence: it was established to perform a particular role and it has done so. It has now completed its work and ceased operations on 30 April 2018.

As one of its final duties the Council has prepared and submitted a Final Report to the Catholic Church leadership through the Supervisory Group.

The Final Report is divided into four volumes:

- Volume One: Where from and where to: The Truth Justice and Healing Council, the Royal Commission and the Catholic Church in Australia
- Volume Two: The Royal Commission's recommendations and responses from The Truth Justice and Healing Council
- Volume Three: What we have done: an activity report from The Truth Justice and Healing Council, 2013 to 2018

- Volume Four: Emerging Themes: A snapshot of approaches taken by Church authorities in Australia to formation, education, governance, legal and policy issues (2016).

Together these Volumes tell the story, as best possible, of the Church's involvement with the Royal Commission over the five years from 2013.

The point we are at now is not the end of the journey: it is a step along the way towards the restoration of the trust that the community must have in the Church if it is to fulfil its mission.

The Church must learn from the mistakes of the past and must deal with the consequences of those failings. This is a prerequisite for a fresh start; a renewal that can lead to a relevant and inclusive Church community that is faithful to its Gospel values.

2 Council Perspective

2.1 Introduction

Since the Second Vatican Council Catholics have understood their Church as being ‘the People of God’. More a faith community of pilgrims than merely members of a social institution. Catholics share a common appreciation of their beliefs and engage liturgically and otherwise in a familiar and traditional practice to nourish those beliefs and promote an awareness of the spiritual dimension of their lives. In turn, the works of the Catholic Church in Australia (**Church**) in health care, social services, pastoral ministry and education, are understood as expressions of that faith and its outreach to the needy and disadvantaged. Over time that contribution from the Church’s institutions has been crucial to the development and prosperity of Australia.

Throughout the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**), determined primarily by its terms of reference, the inquiry analysed how the Church functioned as an institution. This necessitated an examination of the various structures and cultures of the numerous institutions (diocesan and other canonical bodies) that operate within the Church. However, many Catholics would contend that their involvement in, and commitment to the Church is far broader and deeper than a mere adherence to an institution. Identification with, and participation in the Church is integral to the lifestyle choices and social involvement of Catholics in their daily lives.

As a consequence, the Catholic community has expressed a range of opinion on the sexual abuse of children within the Church, the response of Church leaders to the crisis and the effectiveness of the Royal Commission. For many the tragedy has affected their identification as Catholics and their support for the Church.

The failures in managing the incidence of the sexual abuse of children by those in positions of authority and responsibility were in stark contrast to the beliefs and understandings of the Catholic community. For many the scandal of the sexual abuse of children within the Church has been a cause for shame and its hypocrisy has been very difficult to resolve. For others, the management of the scandal underlies what they regard as the dysfunctional administrative culture within the Church’s organisational wing which in turn impacts on its pastoral and teaching capacities.

Most importantly, across the Catholic community there is ongoing concern for those damaged by the abuse cases. Justice and the proper pastoral care of victims and their families is essential. Anything less would not be befitting of a church nor would it be consistent with the call of Pope Francis.

The Holy Father has likened the Church to that of a field hospital tending to the wounded and dispensing mercy. He calls the Church to go ‘into the streets’ and serve. This is the mission of the Church: to accompany the wounded, to heal and restore just relationships. This calls for a listening Church, humble and responsive, particularly to the victims, survivors and their families.

Conflicts within the Church, be they doctrinal, pastoral or at the level of governance and participation, have been exacerbated as the full extent of the abuse scandal has been revealed through the Royal Commission process.

At a broader societal level there has been a significant loss of trust in the Church. Sadly, this appears to be more concentrated on the Church's leadership although the clergy, religious and some Catholic organisations are also impacted by either historical association or innuendo.

There is a growing concern that the Church is losing, or has even lost, its voice in the public square. Until Church leaders can demonstrate that they have learned from the scandal and that accountability and transparency within its governance are at best practice levels, trust and credibility will be difficult to re-establish in the broader community.

Over the more than five years of its operation, the Council has been uniquely placed as it represented the Church to the Royal Commission and consulted within the Church over policy changes and information sharing. The Council has been afforded broad insights into the history of child sexual abuse in the Church and how the crisis was handled from the early 1950s until today.

The Council has had a unique vantage point to assess how Church leaders responded, both in the past and the present, the attitudes of survivors, Catholics generally and the broader community. The particular views of Councillors are described later in this section.

That assessment has been complex. Much of what the community, including the Catholic community, has come to know about the abuse scandal has been through the media. Those reports have generally concentrated on historical cases and current court hearings. In some quarters there is an assumption that the mismanagement of abuse cases in the past is still typical of how the Church manages cases today. This is not the case. However, there remains a good deal to be done to eradicate the cultural elements that led to the mismanagement of the past and to demonstrate the resolve for a better future in which 'best practice' is followed.

This report outlines how the Council sees the Church moving forward. It provides recommendations to the Church's leadership in a spirit of mutual responsibility and it implores the Catholic community to hold itself to account for the restoration of trust and credibility the Church so sorely needs.

3 Survivors First

It is vital that the Church understands the experience of the sexual abuse of children from the perspective of the victims, their families and supporters. This is a fundamental dictate of the Gospel. This inevitable confrontation must be faced honestly and responded to with justice and compassion. As a community of faith, the restoration of the dignity, health and well-being of victims must be our first and enduring priority. Understanding the needs of victims, the damage they have experienced, the trauma they suffer and the road to recovery is crucial for healing and reconciliation.

It is quite apparent that many victims, survivors and their families feel at odds with the Church as it seeks to address past crimes. Significant attempts have been made by Church Authorities to engage with victims and provide trauma informed services, but there are many incidents where relations break down and victims are left feeling isolated, misunderstood and re-traumatised.

Far too often media reports of abuse cases or their impact on survivors continue to emphasise the break down in relations between Church authorities and victims. The overriding perception is of a Church struggling to come to terms with what it takes to acknowledge, atone and where possible, repair those damaged relationships.

It is paramount that the Church shapes and directs its response to victims and survivors from a sound and engaged theological perspective. Not only will this make plain the basis for the Church's response, it will also ground any engagement with victims in the values of the Gospel and in the heart of the Church.

Pope Francis has called for 'a Church of the poor'. He has challenged the Church to remain close to those who suffer, are distressed, or forlorn and lost. He asks the Church to be engaged with the 'mess of life', its complexity and confusion.

Within the Church we have seen evidence of abuse, aggression, bullying, secrecy and concealment – and this continues in some areas of the Church. But we've also seen shock and horror, sadness and lasting compassion from others in the Church. Only true and deep compassion from Church leaders will be perceived by victims and survivors as a reflection of the heart of the Church.

Only with compassion can the trauma of abuse be breached.

Pope Francis has called for a pastoral approach in *Amoris Laetitia* and the Church in Australia must be ready to accompany victims and survivors in a similar spirit.

It is important to acknowledge that outreach to and support of victims is a learning process and in the past, it has been clumsy at times. The Church has a very long-term responsibility to each and every victim and survivor of abuse within its institutions, given what we now know and understand of the nature of trauma.

To that end the Council recommended that Church authorities adopt a number of policy changes. These changes were based on a 'victim-first' approach. This has seen the Church leadership commit to shift the emphasis from the interests of the institution to the well-being of victims across a number of areas. The innovations include:

- the separation of the pastoral response to victims from any legal negotiations and settlements,
- the advocacy for and institutional participation in a national redress scheme,

- the establishment of a rigorous, independently administered, standards monitoring and reporting agency across the Church,
- the revisiting of past settlements for the just treatment of victims,
- the provision of an appropriate entity to sue in cases of child sexual abuse, and
- a commitment to a model litigant approach in cases of child sexual abuse.

4 Reflections of Council Members

The Royal Commission's extensive Final Report comprises 17 volumes. Of its 189 recommendations, 20 applied specifically to the Catholic Church and many others related to all institutions including the Catholic Church. On balance there is much to address in the Report although it was disappointing that the Royal Commission only alluded to some areas of the internal workings of the Church without providing any substantial suggestions beyond encouragement for more dialogue between the Australian bishops and the Vatican. In real terms this places some areas for reform very much on hold. Taken in another way it rightly places the onus on the Church to 'get its own house in order'.

This volume addresses some of the major themes that arose over the course of the time the Royal Commission ran. As such, it is more a consensus of opinions from the Council members, although Professor Craven preferred not to endorse this report, and to confine his views to those contained within his personal reflection.

Undoubtedly this is a time of deep challenge for the Church. The abuse scandal is without doubt the most devastating period in the history of the Church in Australia. Its damage has been far reaching and remains unresolved. The disposition the Church adopts as it seeks to atone for the scandal, deliver justice for victims and foster healing within the faith community will be crucial.

This challenge comes within a social context where conventional religious practice is diminishing and the credibility of churches is under increased scrutiny. Yet it is also a time of hope. As believers we can embrace our times as moments of grace and opportunities for insight. Encouraging our Church to listen and be attentive to the spirit which reconciles and promotes human life is a responsibility we share as members of the faith community.

Hon Neville Owen (Chair)

Some time ago, in the context of a commercial fiasco, I wrote this:

'From time to time as I listened to the evidence about specific transactions or decisions, I found myself asking rhetorically: did anyone stand back and ask themselves the simple question—is this right? This was by no means the first time I have been prone to similar musings. But I think the question gives rise to serious thoughts.'

Over the last four years or so as I looked at the unfolding horror of the child sexual abuse tragedy and the involvement of some elements on my Church in it I asked myself the same question and, quite frankly, am no closer to an answer.

How could this tragedy have come about? What happened is the polar opposite of all that is central to our Christian tradition. For the Church, by its own failings, to have become enmeshed in a grave betrayal of children is inexcusable. It also defies rational explanation, all the more so because it flies in the face of the long and proud history of the Church as a contributor to the wellbeing of Australian society and as an advocate for a moral dimension in the life of the community.

From earliest colonial times the Church has provided high quality education, health, welfare and other services to hundreds of thousands of Australians, many of whom would have had limited or no access without Catholic church orders and dioceses taking on this work.

I look at my own experience or knowledge of the mission of the Church in Western Australia. I mention simply by way of examples, the visionary work of Bishop Salvado in the care of indigenous Australians, the ministry of the St John of God Sisters to those afflicted with Leprosy in the north of our State, and the education provided by the Presentation Sisters to children in the inhospitable landscape of remote mining camps in the Murchison and the Goldfields, to name but a few. And then there is the richness of the Catholic Intellectual Tradition that has been central to the development of western thought and that underpins the notion of Catholic Social Teaching.

For some in my Church to abuse children and others to cover it up and (or) fail to minister to those who suffered in a compassionate, pastoral way, is anathema to the ideals I have mentioned.

Where do we go from here? Each time we celebrate the Mass on festivals we profess a belief in 'one ... catholic' Church and it follows that the answer to that question must recognise the unity, and yet the diversity, in the views of the faithful. In other words, there is no single answer to that question and people of goodwill can (and do) have diverse aspirations for the one Church. Similarly, they have differing views on the impact of the Royal Commission on the life of the Church and how its recommendations should be treated. It is, therefore, an intensely personal issue.

I do not wish to use this forum to outline how I think the Church should react to the specific recommendations of the Royal Commission. That will be for another day. But I do wish to express some thoughts about the church that is at the core of my being.

My hope is that the Church will be one that is obedient to its Gospel values and that, through this obedience, will attract the trust and confidence of the members of our community, both those who adhere to the faith and those who do not.

We should not lose sight of the fact that the word 'obedience' comes from the Latin '*ob audire*', literally, 'to listen'. The Church of the present and of the future must be one that listens to its past and learns from it. As Sir Winston Churchill said (borrowing from earlier philosophers): '*Those who fail to learn from history are condemned to repeat it*'. This is usually understood in a negative context: unless we pay heed to what has happened in the past we run the risk of making the same mistakes, in this case failing to avoid things that have done immense harm to individuals. But there is also a positive aspect. We need to appreciate what history tells us about successes, that is, those things that have been of benefit to society and on which we can build.

While we must listen to our past we ought not to be captured by it. There is a real danger that a Church that is captured by its past, that is, one that, while honestly and frankly acknowledging its failings cannot extricate itself from them, may become timid and stultified, without the resolve to be obedient to Gospel values.

The Australian Church is entering a new phase. Much remains to be done in assessing the work of the Royal Commission and utilising those aspects of its scholarship that can be of benefit to its life and its contribution to the well-being of society. In the immediate term we must to foster a culture of safeguarding for minors and vulnerable adults in all aspects of the life of the Church and to promote healing for those who have suffered deep wounds caused by the crime of sexual abuse in a Church context. The continued development of Catholic Professional Standards Ltd and the planning for the 2020/2021 Plenary Council are real opportunities on which we must seize in this respect.

While the Council will come to an end the ideals for which it was established will not. I feel a deep personal responsibility to continue the pursuit of those ideals in whatever way I can. I have no doubt that in this respect I am not an orphan.

I wish to place on record my deep admiration for, and gratitude to, each officer (past and present) in the Council Secretariat, so ably led by Francis Sullivan, senior and junior counsel, the solicitors of Gilbert+Tobin and the individual members (again, past and present) of the Council. Without their passion, expertise and commitment the Council would never have been able to achieve what it has and I believe that without it, the Church would be in a much worse position than it is.

I would also like to thank the Supervisory Group and the leaders of the Church authorities who have given their best to support the direction set by the Council and to comply with the time limits and requests for materials and information. I would also like to thank the many Church organisations, particularly those engaged in education, social services and professional standards, which made a significant contribution to the policy work of the Council.

Elizabeth Proust AO (Deputy Chair)

The journey of the last five years has been one that I would not willingly take again. Despite the dedication, hard work, energy and commitment from the whole team at the Council, the experience has been thoroughly disillusioning and has left my faith badly shaken. The abuse, the cover ups, and the apparent lack of care by so many in the Church hierarchy (I cannot call them Church “leaders”) has been the lowest point of my life in our Church.

It is hard to see how we can recover from this in Australia. The Church (measured by those who attend weekly Mass and those who turn out to listen and debate the issues thrown up by the Royal Commission) is ageing and many of these people are also despairing. We will need to become an even smaller Church, humbler, more diverse, with greater leadership by lay people (women and men) before there is any chance of a revival.

Following the Royal Commission’s hearings, and findings, young people generally see a corrupt Church, one that is irrelevant to their lives and to their problems. The voice of the Church is largely ignored when it should have much to say that is relevant to our society today. We have become rules-based, forgotten the basic tenet of the gospels, and are seen as wealthy and uncaring.

Many factors flow from this, and much needs to change: in leadership, in the selection of bishops, the training of priests, the recognition of the role of women, and in a fundamental return to the gospels, not edicts and rules.

Some of these changes lie in governance and the need for fundamental changes to how the Church is governed. At its most basic level, governance is the way that organisations are managed at all levels and their systems and processes for decision making.

Unfortunately, I doubt that the Royal Commission has done much to help in Church governance. Its recommendation (16.7) can be summarised as follows:

‘In accordance with contemporary standards of good governance, we encourage the Catholic Church in Australia to explore and develop ways in which its structure and practices of governance

may be made more accountable, more transparent, more meaningfully consultative and more participatory, including at the diocesan and parish level.' (p.682)

It then went on to commend the Australian Institute of Company Directors' principles of corporate governance. I think that while these are applicable because they are about transparency, accountability and leadership (at all levels, not just at the top), there is a real risk that the hierarchy will dismiss them because they are seen to apply to corporations and not to the Church.

A second problem is that the Royal Commission also commended the governance model in Catholic hospitals, etc. I think that this is problematic because if the bishops merely adopt something similar to a board of a hospital, for running say a parish or a diocese, we will not see fundamental change. It would be of course a big step forward, but because the people making the appointments are likely to be the bishops, we would not see significant change.

It is clear from the Royal Commission's findings that the dysfunctional governance of the Church aggravated the harm done by sexual abuse. The need for reform in this area is long overdue and the delay and obfuscation in responding to the Royal Commission on this topic, and on many others, will only worsen the alienation felt by the people of the Church, and continue to make the Church an irrelevance in our society.

Archbishop Mark Coleridge

It seems so long ago that the Council was set up and I was chosen to be a member that I struggle to recall how it all happened. I do remember that there was a sense that we would need a coordinated engagement with the Royal Commission, and that turned out to be truer than we thought. It also turned out to be more challenging than any of us imagined when we set out on the journey.

I look back now and think it was a minor miracle that the Council managed to keep everyone in the tent. At various times, both early and late, there was a chance that it would break up because of disagreement about the Royal Commission and how to respond to it. There were disagreements within the Council itself and also among the stakeholders – the bishops and major superiors – who had established the Council and paid for it. But somehow it all held together – thanks in part to the diplomatic work done first by Justice Barry O'Keefe and then by Justice Neville Owen. We are greatly in the debt of both Chairs.

Some felt that the Council was too acquiescent in its dealings with the Royal Commission, too ready to accept its at times aggressive approach to the Catholic Church and the narrative that emerged over time within the Royal Commission. Others felt that the Council was too acquiescent in its dealings with Church authorities, too slow to take up the cudgels against the institution in the way, it was thought, the Royal Commission had.

In that sense, the Council – and in particular Francis Sullivan, the Chief Executive Officer – was caught between a rock and a hard place. I might add that Francis handled an almost impossible task with competence, resilience and grace in a way that no-one else I know in Australia could have done. Agree or disagree with him on this point or that, but we all owe him a great debt of gratitude. It should also be noted that, in all that he did and said, Francis wasn't a lone ranger or a loose cannon. He was consistently respectful of the Council and always in dialogue with the Chair.

One of the recurring myths of the Royal Commission seemed to be that the Catholic Church is monolithic. But my own experience of these years on the Council have left me more convinced than ever that the

Catholic Church is the least monolithic institution I know, despite all appearances and claims to the contrary. It's like herding cats. Yet, mysteriously, it holds together – just as the Council did.

In Australia the Catholic Church had never attempted something like the Council. There'd never been the need. The configuration of the Church in this country also told against it, with the differences between States adding to the independence of dioceses and religious congregations to make any real coordination difficult, if not impossible. Yet it happened in a way that was pioneering, and the legacy of that is something precious to take into the future. The lessons shouldn't be forgotten by a Church that in various ways needs a new kind of coordination to meet new challenges.

It's hard to imagine how the Catholic Church would have engaged the Royal Commission without the Council or something like it. To have had each diocese and religious congregations engaging separately would have been chaotic and, in the end, unworkable. Similarly, it's hard to imagine how we'll tackle some of the larger tasks ahead if we don't build upon the legacy of the Council. That's true of the long and complex task of responding to the recommendations of the Royal Commission, but also of the more immediate task of helping to set up the National Redress Scheme, which may seem simple enough but is not.

My own position on the Council was unusual, because as a member of the Permanent Committee of the Bishops Conference I was also a member of the Supervisory Group which oversaw the work of the Council. Early on I raised the question of a conflict of interest, but both the Supervisory Group and the Council agreed to have me on both. One advantage of my dual role was that I was able to bring to the Supervisory Group a closer knowledge of the work of the Council and vice versa. It also gave me an acute sense of the complex political dynamic not only of the relationship between the two bodies but also of the larger environment, both civil and ecclesial, in which both bodies had to operate. That same dynamic will continue after the demise of the Council and as we seek to respond to the Royal Commission's recommendations. There has always been more than politics to the work of the Royal Commission, the Supervisory Group and the Council. With the eye of faith, I have come to see the Holy Spirit moving in the work of all three. But politics there were too, and that couldn't and can't be ignored by those who want to respond to the call of the Spirit.

Through the long years of trying to understand and respond to the crisis of sexual abuse in the Church, I have experienced a slow and painful awakening. The crucial element in this has been meeting and listening to the survivors of abuse, which is the most difficult thing I've ever done but which is essential if there is to be any understanding of what has happened and anything like a right response to it. That will remain true long beyond the demise of the Council.

But my experience of the Council has been another crucial element, especially given that I've also been a member of the National Committee for Professional Standards (**NCPS**) and a founding member of the Company of Catholic Professional Standards Limited. All of these have converged in my life to open my eyes and ears to the reality of what has happened and the reality of the task that now lies before us. Yet, for all the knowledge I've acquired and the changes of perspective that have come my way, I still feel a beginner. In this vast and complex area, the more you know the less you know, as you try to grapple with a complexity that at times seems endless.

The experience of the Council has made me see more clearly how vital it is to draw upon, even depend upon the professional expertise of lay people like those who were members of the Council. Had clerical Church leaders listened attentively to people like them earlier in the process the abuse and its gross mishandling may not have been the tragedy it was. Some are anxious that a strategy such as the Council

will undermine episcopal authority in the Church. I don't share that anxiety. The question is not episcopal authority but how best to frame and exercise it in the circumstances we're facing. My experience on both the Council and the Supervisory Group suggests that, far from undermining episcopal authority, the Council actually helped bishops exercise their authority in a way that hadn't be true in earlier times in dealing with sexual abuse. In that sense, the Council strengthened rather than weakened episcopal authority. The Royal Commission has raised questions about the governance of the Catholic Church; and in trying to answer those questions we would do well to ponder the experience of the Council and ask how it might apply to the Church's governance more generally and permanently in the years ahead.

At its best if not always the Council was a group of lay, religious and ordained Catholics, most with great professional competence and all with a love of the Church, listening carefully to each other, to the Royal Commission and to the many voices of the Catholic community. The Council was a gathering of equals who respected the different gifts and roles that each brought to the Council and who understood that an answer to difficult questions lay in the group rather than in any individual member. At times it struck me at meetings how remarkable it was that these people were willing to sacrifice so much to do this work. They saw the failings of the Church all too clearly and heard the criticism that came from within the Church and elsewhere. Yet they stayed year after year because they understood the need, were generous enough to keep saying yes and were moved by the mysterious power of faith. There was a humility in that, and I have a sense of humble gratitude as the journey comes to an end. I may have contributed my bit to the work of the Council, but I'm certain that I've received more than I gave. I suspect that every member of the Council would say the same thing, albeit with different accents. It wasn't easy but it was a gift.

Hon Greg Crafter AO

The Prime Minister announced on the morning of 12 November 2012 that a Royal commission was to be established "to inquire into institutional responses to instances and allegations of child abuse in Australia". On learning of this news I immediately contacted a colleague Brian Lawrence and sought his advice on how the Church and Catholic Education in particular might respond. By early afternoon Brian had proposed a national council to coordinate the myriad of Church entities capable of being called before the Royal Commission. He further advised that time was of the essence. On 15 November 2012 the National Catholic Education Commission met in Melbourne and Commissioners discussed the Lawrence paper. They too determined that a speedy response was required. Professor Greg Craven and Bishop O'Kelly who were members of the NCEC agreed to pursue this matter in conjunction with colleagues. Professor Craven (assisted by Steven Elder) produced overnight a brilliant concept to enable the Church to manage the huge challenge of effective management of its participation in the proceedings of the Royal Commission. The ACBC processes further refined the concept and thus the Truth Justice and Healing Council was created. I have attached the relevant documents.

The work of the TJHC was almost entirely in defensive mode. One has to ask what could be achieved if a similar national structure was acting in a positive mode eg developing a greater community understanding of the sanctity of human life, advocating for better mental health care, the homeless or those in prisons particularly indigenous Australians.

Looking back over the last five years of the work of the TJH Council we were incredibly well served by our Chairs, the late Hon Barry O'Keefe and the Hon Neville Owen both distinguished jurists and the dedicated and talented secretariat team led by Francis Sullivan. Few would have predicted that the Royal Commission would be extended to five years or the intensity of the focus on the Catholic Church. As a

consequence, the task of the Council was formidable. To add to the challenge was the management of bringing all Church entities under the one umbrella and holding their confidence. The Council was a bold first for the Australian Church and is worthy of a thorough external evaluation.

The Royal Commission had a staff of several hundred and in addition engaged numerous researchers and consultants all with a generous budget. The small TJHC secretariat and our legal representation did a remarkable job in responding to the demands of the Commission and all too often without adequate notice or procedural fairness.

My personal reflections on these last five years are not yet settled. This has been an extended period of trauma as the full extent and nature of the sexual abuse of children, to whom the Church owed a duty of care, became known. It was hurtful to see the standing of the Australian Catholic Church and its leadership become diminished before our very eyes.

Whilst we were dealing with crimes, in the main committed by a previous generation, they were being judged by today's standards, and rightly so, with several thousand survivors revealing the injury caused to them and their ongoing suffering and that of their families and friends. We were acutely aware of those survivors who had taken their lives or who had died in other distressing circumstances. The factual evidence gathered by the Royal Commission revealed widespread failure on the part of Church authorities to responsibly respond to the perpetrators of the sexual abuse of children when it became known to them. I am confident, at least with respect to Catholic Schools, that the policies and procedures put into place over the last thirty years accord with global best practice and ensure our schools are safe places for children.

Catholic Professional Standards P/L established in 2016 will regularly monitor and audit all activities of the Church with special emphasis on the young and the vulnerable. This is another national entity which will set standards and be a builder of a culture throughout the Church that advances the dignity and well being of every person.

I first joined a Church organisation in 1960, the Young Christian Workers Movement, in my parish. I have been engaged as a layman in the life of the Church ever since whether it be at the parish, diocesan or national levels. However, it is these last five years that has given me a unique insight into both the Australian Church and the Vatican. We belong to a complex multi layered organisation which is almost impossible to collectively manage and yet the broader community and governments see us as being a single entity.

The Commonwealth Government is now all powerful. It is the major funder and regulator of health, education and welfare programs in which the Church is engaged. The need for effective coordination of these services (and thus strategic planning) within the national structures of the Church I see as an urgent challenge. Secular forces are eroding the standing of the Catholic Church yet we know that this nation would not enjoy the quality of life it does if it were not for the massive range of services built up since European settlement. The vast majority of the 230,000 employees of the Church are engaged in human service provision.

I do not want to comment on the reform agenda arising from the Royal Commission's final reports as another body will now take up that important task. Our work is finished. However, I have two final observations. Firstly, many of the recommendations directed at the Church echo the concerns of sincere and devout Catholics who made representations to the Royal Commission in person and in well researched and written submissions. We must all listen to these voices and discern the way forward.

Secondly the structure of the Australian Church is rapidly changing. This is particularly so with the emergence of PJP's succeeding Religious Orders in the governance of the major Church services. Along with the greater lay involvement in parishes and diocesan offices there is a need to engage in programs of deep formation of the laity. Not just to serve the Church directly but also to engage in the transformation of the world around us.

It has been a great privilege to serve as a member of the Council. Despite being shaken by the experience I believe I am a wiser and a more compassionate person. My faith sustained me in many ways throughout these last five years.

Prof Greg Craven AO

Any reflection on the operations of the Royal Commission and the Council inevitably will be personal, and this is an avowedly personal account.

The fundamental reality of both the Royal Commission and the Council is that they were about victims of child sexual abuse: their suffering, their pain, their right to justice, their past and, most especially, their future.

In the long-term, judgement of both bodies will be on this basis: what did they achieve as a matter of substance for the betterment of victims? Media coups, rhetoric or moral posturing on either side, ultimately will count for nothing.

As an individual member of the Council, no experience will ever surpass the realization of the extent of the horror that had been perpetrated within my Church and upon its members. The extent of abuse, and the numbers of perpetrators, and the failure of authority was – almost - beyond belief.

Yet alongside this awful reality was an appreciation that for many long-term critics of the Catholic Church, all this was as much an opportunity as a tragedy. You Catholics, they said, are nothing but child-abusers.

For me, this is abuse of the abused. Who were the victims of Catholic sexual abuse but other Catholics? These victims are – or were – people I know, I like, I love. As a Catholic, I do not hang my head in shame. I share in some small way the enormous anger of victims toward those who perverted their part of the mission of our Church.

It is worth recording the remotest genesis of the Council, if only because this has not occurred before. The instigator was Cardinal George Pell.

The day after the Royal Commission was announced, he contacted me to discuss the way forward. We concluded that the Church must comprehensively cooperate with the Royal Commission. It should create its own body, headed by an independent former judicial officer, to mirror and work with the Royal Commission. The Church should be completely open too identifying deficiencies in its own current procedures, and committed to resolving them. The basic imperative should be restorative justice for victims.

Within three days, Archbishop Hart of Melbourne, Archbishop Wilson of Adelaide and Archbishop Coleridge of Brisbane had endorsed and elaborated these principles. They were duly reflected in the establishment of the Council by the Australian Catholic Bishops Conference one month after the establishment of the Royal Commission.

The point here is that the highest levels of the Catholic “hierarchy”, far from hanging back, were leading the cooperation of the Church with Commission from the outset.

The Royal Commission ultimately has been a good thing for the Catholic Church. Not only has it given victims a voice, but it has revealed and identified numerous weaknesses and failings that it now is the responsibility of the Church and Catholics generally to address.

But general utility does not justify a very mixed totality. The Royal Commission was a flawed body and its report a flawed document. In considering it, everybody, but Catholics in particular must be careful to distinguish between the considered, the speculative and the downright wrong. The imprimatur of the Royal Commission is no certain guarantee of correctness.

The Royal Commission suffered from all the generic weakness of Royal Commissions as a public phenomenon. It was very good at eliciting the stories of victims, naming names and – less palatably – orchestrating theatre around chosen agendas. It was much less good at developing comprehensive policy initiatives.

For example, the proposals for redress are a central part of the recommendations of the Royal Commission, and it is vital that the Church embrace the redress scheme as it eventually emerges in legislative form. Nevertheless, the Royal Commission’s own treatment of redress was poorly conceived, weak in principle, and replete with practical difficulty.

I am deeply concerned that the Royal Commission largely lost sight of the goal of restorative justice in both its hearings and its report. This was a lawyers’ Royal Commission, and its overwhelming reliance on changes to civil litigation and raw compensation reveals the narrow obsession of lawyers with crude monetary solutions. I am deeply concerned for the future of victims with life-long mental health issues, which cannot be addressed simply through the once-off award of damages or redress.

A pervasive weakness of the report of the Royal Commission is its reliance upon ill-defined concepts like “clericalism” as a short-hand charge sheet that can be deployed to substantiate virtually any accusation or ground any negative finding. Similarly, the Royal Commission proved itself overwhelmingly ready to draw links between child abuse and such practices as celibacy by processes of reasoning that were tendentious and unconvincing.

It is unhelpful, as some do, to dismiss the Royal Commission as simply “anti-Catholic”. The extent of historic abuse within the Church inevitably and appropriately meant it would be a major subject of inquiry. But it is indisputable that, at some point, the Royal Commission became sufficiently obsessed with the Catholic element of its inquiry that both its operations and conclusions were affected. This obsession was fed and reinforced by some elements of the media.

The fact that most people genuinely believed that the Royal Commission’s inquiry was “into the Catholic Church” is redolent of this failure. Two major examples of the consequences of this approach usefully may be given.

The first is the substantial failure of the Royal Commission to probe child abuse within government institutions. Although it engaged in a very limited number of forays into the public sphere, the Royal Commission largely ignored it in favour of its religious, and most specifically Catholic, focus. It was assisted in doing this by a client media which would respond to demands for a more balanced focus by accusing proponents of seeking to divert attention, when what really was being proposed was equality of respect as between victims of different institutions.

As a former Crown Counsel for the State of Victoria, with some familiarity with the range of government bodies dealing with children and their historic deficiencies, I was astonished by this approach. My suspicion is that there will, in the future, be a number of public inquiries into areas of public administration substantially ignored by the Royal Commission.

The second example concerns the sacrament of confession. It always was perfectly clear that the Royal Commission would recommend against the maintenance of the seal of the confessional, as much a symbolic repudiation of the historic Catholicism which it saw as founding child abuse than anything else. This was indeed the outcome, despite the evidence suggesting abuse of the sacrament being pitifully thin. The Royal Commission similarly was dismissive of any argument for preservation of the seal based upon fundamental religious freedom.

The Church in Australia now faces the question of how it should respond to the report and the recommendations of the Royal Commission. There is no doubt that the whole process of the Royal Commission, but particularly the historic horrors upon which it was based, has been enormously damaging to the Church and its reputation. Catholics need to accept this reality.

Paradoxically, the public “heat” out of the crisis is diminishing. The Royal Commission is no longer a quasi-court, generating and sometimes assisting in the production of headlines on a daily basis. It is something much less interesting and requiring far more work: multiple volumes of paper requiring analysis and hard work on the way to detailed, implementation.

Catholics have a two-fold duty in this situation. First, we must not fall for the line that “The Royal Commission said so: it must be true”. There is much material in the Royal Commission’s report that is wrong, and some that is nonsense. The treatment of the seal of the confessional is a good example. We must be fearless in resisting these attempted impositions.

But the second reality is that there is much in the report of the Royal Commission that is true, and in an atmosphere of gradually waning public interest, it behoves us to ensure that these truths are not lost, and indeed implemented. There must be a redress scheme, of which the Church is part. There are overdue reforms to civil litigation. The formation and educative processes for our seminaries do need to be constantly reviewed and improved. The Church should closely consider how the laity may work in an enhanced way with clergy and the bishops. It would be a double tragedy if the transgressions of the Royal Commission blinded us to its truths.

Beyond this, we need to understand that the Royal Commission – though not its challenges - is over. There will be and is a post-Royal Commission Church. We cannot allow ourselves to be defined by the period of the Commission, or even (and especially) by the evil that produced it. The Church and its people need to emerge thoughtful and chastened, contrite but confident in our message and vocation.

There is no doubt that there will be a period of years during which the trauma of recent times bears heavily upon the Church and its reputation. Our reaction must be to win back the confidence of our fellow citizens, not only through our just treatment of victims, but our works of charity, health, education and social justice.

We must own and learn from our past, but not be defined by it.

Stephen Elder OAM

The past few years have been a difficult time for those of us who proudly adhere to the tenets of our faith and our religious traditions. While divinely inspired, at the end of the day the Church is an inherently fallible institution governed by inherently fallible human beings. And revelations of horrific abuse inflicted in the past on innocent children require us to recognise, to recompense and to reform.

Recognition involves our acceptance of the ugly truth that a small minority of persons – both lay and ordained – committed unspeakable crimes against the most vulnerable among us. We must also acknowledge the failures of the Church as an institution to deal with these aberrant few in a satisfactory manner.

But to understand more fully what happened and why, we must factor into the equation the prevailing tenor of the times – mostly decades ago –when those incidents occurred. For the most part, these heinous crimes were committed within the historic societal context of a far more innocent Australia. It was a time when the word paedophilia was rarely uttered in public discourse and clergy were the objects of uncritical reverence in their religious communities. It was also a time when the medical consensus amongst mental health professionals held that paedophilia was curable through so-called ‘anti-regression’ therapy.

With the benefit of 20/20 hindsight, we can now see that this prevailing societal naïveté, combined with erroneous medical theories, spawned a calamity for victims of sexual abuse. To explain is not to excuse, because these crimes committed against innocent children are morally inexcusable. But it is only through explanation and understanding that we can learn how to rectify past errors of judgement by taking decisive action to prevent their recurrence.

The Melbourne Response was established over two decades ago as a means of facilitating the provision of financial recompense to the victims of abuse inflicted under the unwitting auspices of the Church. This was a ground-breaking initiative that served as a model for similar programs established throughout the world. Like any fallible institution created by human hands, *The Melbourne Response* has evolved through time and experience to a higher plane. Through the auspices of the *The Melbourne Response* and the Truth Justice and Healing Council we have sought to provide both material recompense and spiritual solace to those who have suffered such grievous injury.

At Catholic Education Melbourne we have assessed these past errors with unflinching determination to do all that is humanly possible to avoid their recurrence. We’ve adopted a zero-tolerance policy that is more stringent than required by law, and we’ve created comprehensive training programs designed to educate school communities about the dangers of child abuse. We have established an investigatory unit – staffed by former law enforcement personnel – to facilitate a rapid and professional assessment of allegations as they arise. And we have lent our support to legislative reforms introduced by the Victorian government that create a mandatory reporting format for any credible suspicion of impropriety in school communities.

The disproportionate focus on Catholic institutions by the Royal Commission must be ignored in any fair-minded discussion of this topic. Opinion research conducted by the Royal Commission itself indicated that much of the public equated the issue of child abuse with the Church. Not only did this preponderant focus on Catholic institutions violate the Royal Commission’s own terms of reference, but it short-changed the many victims who suffered from abuse inflicted by non-Catholic and state institutions.

There is much our Church has done wrong over past decades. But I would be remiss if I were not to mention the tremendous right that has been done by our Catholic institutions as well. Each and every day thousands of priests, staff and volunteers work hard to change myriad lives for the better. In our schools, our hospitals, our social service agencies and international aid programs our people work hard to transform darkness into light through good deeds and good work done with kindness and compassion. And when our Church is weighed in the moral balance, this too must be part of the final equation.

Prof Maria Harries AM

Witnessing the pain and suffering of victims and survivors of all forms of abuse in homes, organisations and communities, holding gently their vulnerabilities, celebrating their tenacity and courage and working together with them for a different future, have been intertwining themes in my fifty year career as a psychology graduate, social worker, counsellor, teacher, researcher and advocate. Human depravity of every form in society, in organisations and in families has fuelled my understanding of the impact of inhumanity and depravity and the need to counter it – at its origins.

My commitment to working to counter injustice and replace it with respect and integrity is foundational to a Catholic upbringing growing up in Africa and then Australia, witnessing the unspeakable injustices and the violating racial politics of Africa and Australia in the 1950s and being inspired by my Catholic family's dedication to challenging such injustice. And, an additional experience that has fuelled my advocacy and professional survival has been the heroism and the indomitable spirit of the people who have been the victims of political, systemic, environmental and individual abuse in all its forms. They have been my teachers.

However, a lifetime within the Catholic Church, armed with the knowledge of the frailty of the human spirit, prepared me minimally for the accumulating evidence of the breadth and depth of the abuse confronting us as we travelled our journey of truth, justice and healing. What unravelled before our eyes as we pursued openness and transparency was indeed a "disaster of epic proportions" for children, their families, our Church communities, the faithful remaining in the pews, those who were leaving in droves and the Church itself.

What assisted was remembering a conversation with Morris West in the years before he died. He had already written his short autobiography ' *A View from the Ridge*' in which he explains his ongoing commitment to his faith. When I asked how he continued to be a committed Catholic given his experiences of rejection by his church, he replied; "because the church is a divinely human institution". This profound affirmation, plus the deep integrity and humanity of all those involved in the work of the Council, has helped to hold me in faith during this five years. Hope for the possibilities of healing and change have survived throughout the spiritual oscillations between betrayal, disbelief, shock, distress, disgust, and the need for sanctuary.

These are terrible times for our Church – "our garden of agony" - and we are at a watershed. However, using Joan Chittister's words: "It is not the struggle that defeats us but the failure to struggle that defeats the human spirit".

My hopes at this time are that our struggle does not stop until it is apparent to all that we resolutely acknowledge our failures as a Church; that we are more than sorry; and, that we acknowledge sorrow and guilt alongside a commitment to ongoing support of the victims, survivors and their families and communities. The deep sense of shame and sadness must be heard in more than words, it must be

tangible and palpable and of such strength that it resonates with the thousands of victims and survivors, their families and communities to ensure it is believed. The stain on the integrity of the Church will heal only with evidence of the authenticity of our response to all those in pain resulting from these outrageous abuses.

The second requirement was well expressed in the words of one of my many advisers, Laurie, a former child migrant sent to Australia from the UK and abused in care. He said many times, “caring for those who have been harmed come first” but second is making sure what happened to us doesn’t happen to children today”. Support, redress and ongoing healing for victims and survivors and their families are critical but so are the changes that are vital to ensure a safer future for all children and vulnerable adults. I have no doubt that the church is indeed committed to safeguarding children and vulnerable people into the future. The implementation of structures such as Catholic Professional Standards (CPSL) that have been implemented are an indication of such a commitment of the Australian bishops.

An acceptance by every one of us – every person of faith - of the truth of the scale of the litany of violations that have been perpetrated within our church and the history of their concealment are an essential start. Healing and safeguarding mechanisms are vital too. Both are necessary but neither alone nor together are they sufficient. The third requirement is a more systemic one. The crisis we face is not simply due to the failure and the crimes of individuals. Individual pathology is inevitably part of the problem and reducing the chances for such pathology to reproduce itself is a challenge the church has already started to embrace. However, as a church of Christ's faithful we have a duty to examine what broader factors contributed to the crisis.

Alongside my colleagues, I am grateful for the courage of survivors and the determination of the commissioners and staff of the Royal Commission for their evidence and for the understandings provided by the consultations, interviews and commissioned research. A number of aspects of church culture, arrangements and structure have been identified as potentially contributing to the church’s culpability. All, even those such as the seal of the confessional, as hard as they are to interrogate, deserve the respectful and serious consideration of all of us as we continue to confront the unpalatable realisation of what has happened and the dire implications of the potential for inertia. Institutional power is a pervasive feature of our Church as it is in most human institutions. And power is inclined to defend itself.

How does the church itself generate the reforms to its clerical, gendered, hierarchical culture and its governance structures in order to ensure we don’t repeat this cataclysmic series of abuses? Over thirty years ago people were reassured that equivalent events occurring in Canada would never occur again – but they did! I still need to be convinced that the structures of the church implicated in their permitting of such abuse and the protection of perpetrators will really reform itself. Change is obligatory and it is differentially confronting and frightening for various elements of our church. The recognition of the problems we face as a church is a good start to finding solutions. There is no doubt that the church waited too long before it took sexual abuse accusations seriously.

Finally, my concern runs beyond the church to the broader society and community, national and international. Child sexual abuse is endemic and it represents a crisis of epidemic proportions internationally. The Royal Commission has most powerfully brought to public attention the horrific and long term impact of such abuse. Almost all institutions, including families, have been implicated. Can our church model the leadership required to achieve the far reaching changes required to counter this depravity at its core?

Sr Maree Marsh csb

Like never before in Australia, the Church has been challenged to examine its culture, its structures, its clerical state and its formation programs to determine the factors contributing to sexual misconduct in the church. It has been challenged to look more closely at institutional dysfunction rather than simply focussing on an individual perpetrator's personal difficulties.

After four years of Hearings I would like to believe that leaders in our church have a much greater understanding of the long-term impact of child sexual abuse on survivors and families, as well as having an appreciation of the environmental conditions that allowed abuse of children and adolescents in our schools and institutions.

The Church must continue to acknowledge that mistakes have been made. Naivety, ignorance, lack of transparency, poor communication by those in leadership at the time, minimising the abuse and not wanting to know about abuse have contributed to lack of action on the part of many in the church.

In Case Study Hearings, there were many days when humility, honesty and genuine sorrow of church witnesses were clearly visible. The witnesses were psychologically well prepared and focussed on responding with compassion and integrity. On occasions survivors failed to experience the genuine sorrow due to the level of anxiety of some of the church witnesses.

There were other days when church witnesses were psychologically ill-prepared and defensive, with a perspective that could not, or would not, see a situation other than from that position. While it might be true, it was not wise in the context of the Royal Commission to justify lack of action in the past with the argument that society generally did not report sexual abuse. This kind of response perpetuates and exacerbates the impact of abuse. There were times when church witnesses focussed on an individual perpetrator's personal difficulties, rather than accept that dysfunctional institutional factors contributed to abuse.

Survivors

The place within, where we seek God and God awaits us, is a sacred place, like churches within our interior landscape. It is our embodiment of the goodness of creation, the goodness of being made, male and female, in the image of God. When our very beings are violated, through physical and sexual violence, this is a desecration of the inner sanctuary...

Carrie Doehring, (1993) *Internal desecration: Traumatization and Representations of God*

"Desecration of the inner sanctuary" is a poignant and heart-rending portrayal of the impact of sexual assault, especially when the perpetrator is an official representative of the church. During the Hearings I was moved by the courage of survivors describing the manipulation and sexual exploitation in our faith communities. They found the strength and courage to speak of their experiences with the hope of being really listened to by authorities. The case studies were disturbing and I have no doubt that for most survivors it was at great personal cost to speak out. The 'Message to Australia' on the Commission website reflects messages about their experience at the Commission and their hopes for creating a safer future for children. I sincerely thank them for their honesty and courage. Their words have the capacity to create a different church for the future.

Church leaders must always have plenty of room for empathy, compassion and respect for survivors. There is no place for comments such as “Survivors are ‘crankily holding onto old wounds’” “Just an attention seeker and looking for money and sympathy,” “They are dredging up the past for nothing.”

It's not uncommon for abuse survivors to have very fragmented recollections and difficulty with details. This can sometimes lead to incorrect retelling of the abuse. The individual is trying to make coherence out of an incredibly disorganized set of realities for them - in almost all cases, the intention is not to deceive but rather to make sense of what has been experienced. The witness statements of psychiatrists, Drs Carolyn Quadrio, (*Case Study 28 Ballarat Magistrates' Court, 25 May 2015*) and Bruce Perry (*Royal Commission, Sydney 30 March 2017*) have valuable insights in this regard.

Experience of Church: a Church divided

It has become patently obvious during the past five years that there is a great divide in the Australian church – theologically and pastorally. The vast majority of people desire the kind of church that is inclusive, humble and service oriented – not one of privilege, position and power reserved to a few.

Some members of the Church see the Royal Commission as “a hatchet job on the church” and are amiss in their understanding of the prevalence and impact of sexual abuse and the environmental conditions in the church that have sustained it. With its sense of entitlement, exclusivity, and superiority, clericalism is clearly evident in our community. Clericalism, which we can all practise, protects the sense of self by keeping others in their place and by bullying. These attitudes disempower the baptised from full and active participation in church.

Transparency in the church – or rather lack of it - is an issue to be confronted in our discussions of future governance. Commissioner Robert Fitzgerald at the Hearing on Church Governance on 6 February, 2017 reminded us that

‘Transparency in relation to its own members is almost non-existent in terms of accountability to the members of the Catholic Church even at parish level or diocesan level other than a financial account from time to time. A fundamental question as to culture that we've seen in other institutions, be they faith based or not, has been an acceptance of transparency both in terms of decision making and in terms of outcomes and what's happening. Is it too harsh a comment to say that the Catholic Church in Australia has yet to embrace the notion of transparency as a matter of good practice for a faith-based organisation in the context of Australian society?’

It is hoped there will be movement forward towards greater transparency in decision-making and in terms of the role of lay women and men in governance in dioceses. Governance roles for women are, for the most part, non-existent in dioceses, and management roles are few. During the Commission Hearings the model of collaborative leadership of the Adelaide Archdiocesan Pastoral Team of 1986-2001, led by Archbishop Leonard Faulkner, was mentioned on a number of occasions. A recently published book examines this model – *Prophetic Pastoral Leadership, The Adelaide Archdiocesan Pastoral Team 1986-2001* by Paul K. Hawkes (2018). This book may be particularly relevant in these days when the Church is challenged to look at new governance models in our dioceses and archdioceses.

It will take time for Church leadership to gain the trust of people. Anger towards leadership is palpable, not only evidenced at the Royal Commission but also more generally in the community.

Apology to women religious by leaders of male religious orders

During the 2017 CRA Conference the leaders of the men's congregations of religious expressed a meaningful and earnest apology to the women religious. The men apologised for the harm that behaviour of some of their members brought upon children in their care and the shame this has brought upon the women, especially on the women in whose schools and institutions abuse took place. The men apologised for not acting with the swiftness or decisiveness that was rightly expected of them and for not taking seriously enough various concerns expressed by women. They committed themselves to addressing the causes of male abuse of power, clerical and religious. The apology was received with heartfelt appreciation and it is an important step in the process of moving forward in our church.

Work of the Council

I believe it has proved a very wise decision on the part of the Australian Conference of Bishops and Catholic Religious Australia to put in place the *Truth Justice and Healing Council*, and especially to appoint Francis Sullivan as the CEO. The work of Francis and the two Chairs of the Council, Justice Barry O'Keefe and Justice Neville Owen, as well as the legal, media and administrative staff at the Council office can never be underestimated.

I believe the two significant tasks of the Council – amongst other tasks - have been achieved, most notably the push towards a National Redress Scheme and the formation of an independent company, Catholic Professional Standards Limited. Church entities will be judged on how well – or otherwise – we accept the Redress Scheme.

Personally, it has been a privilege and an inspiration to work with the other members of the Council and staff. They are a committed, thoughtful, and faith-filled group of people working with great integrity, focused on concern for the survivors and creating a safer and forward-looking, inclusive church.

Conclusion

To redeem the suffering of so many who have been affected by sexual abuse, the Catholic community must continue facing this problem directly and honestly. The church cannot undo all of the harm done in the past, but it has the responsibility to do all that is within its power to create an environment in which people will treat other people with respect, dignity and justice. The healing that is necessary involves a long process and will take courage, compassion, openness and patience. Above all it will take faith - faith in one another and faith that God is with us in this journey.

Prof Rosemary Sheehan AM

The Royal Commission into Institutional Responses to Child Sexual Abuse was announced in November 2012 in response to allegations of sexual abuse of children in institutional contexts that had been emerging in Australia for many years. Its remit was to 'inquire into institutional responses to allegations and instances of child sexual abuse and related matters'. It was directed to focus on systemic issues, to examine individual cases, and to make findings and recommendations that would better protect children against sexual abuse and alleviate the impact of abuse when it occurs.

I was appointed to the Council in 2013, acutely aware of the gravity of the task ahead. The five years hence have been troubling, sad, and it has been both hard and painful to hear about Church patterns and history. It has opened up for me an examination of the Church, making me examine my faith, my loyalty to the Church, and how I understand the institution of the Church.

I would like to acknowledge the goodness and capacity of the staff of the Council in managing the operation of the Church's response to the Commission. Francis Sullivan has carefully and respectfully managed relationships with the Supervisory body, with the Commission, with survivors, and with all the associated bodies, in the midst of the sheer awfulness of what has emerged. The Council has been chaired first by the Hon Barry O'Keefe AM QC, and then by the Hon Neville Owen QC, who both exemplified commitment to honouring those harmed by the Church. Members of the Council have ensured robust consideration of the Church, its structure and operation, and its power to cause harm to children.

Hopes for the Church

I am saddened by how the Royal Commission has been very exercised in its view that the Catholic Church has been the most damaging institution to children, and has contributed to a view that paedophilia characterises the clergy, and all children were and still are vulnerable around members of religious orders. In the Preface and Summary of the Royal Commission Final Report, December 2017, it notes:

'Many children have been sexually abused in religious institutions in Australia. Based on the information before us, the greatest number of alleged perpetrators and abused children were in Catholic institutions. In many religious institutions, the power afforded to people in religious ministry and the misplaced trust of parents combined with aspects of the institutional culture, practices and attitudes to create risks for children. Alleged perpetrators often continued to have access to children even when religious leaders knew they posed a danger. We heard that alleged perpetrators were often transferred to other locations but they were rarely reported to police.'

This is shameful reading, and it is painful to know that my Church has caused this hurt to many. The Church, if it is to remain meaningful, must examine its preoccupation with hierarchy, with secrecy, with who is permitted into the Ministry, with the exclusion of women from the decisional life of the Church.

Particular issues raised

I do ask myself about the extent to which the Catholic Church became such a central presence, notwithstanding the sheer volume of harm it caused many vulnerable children, and both a mix of the Church's willingness to uncover its shameful past, combined with a powerful distaste for the Church across the Commission, and the media, which has fostered the view that the Catholic Church was the singular most damaging institution; other institutions have not received such attention. The rise of secularism and antipathy to those of faith has entrenched this view. The governments of the day have not been subjected to scrutiny, yet care of children was given over by them to Church institutions which then took no account of the quality of care children received nor concerned themselves with what were their life experiences.

What remains absent in Commission considerations is attention to pattern, history and culture as it features in child sexual abuse. What is conveyed, to my mind, is that the vulnerability of children to sexual abuse by Catholic religious, remains the same today as it did 40 years ago. The absence of context is a serious flaw in the Royal Commission report. What we know is that thousands of young men and women were sent to novitiates and seminaries to be trained for religious life. They were often vulnerable people, themselves, and had little preparation for such training, certainly in psychological matters, let alone psycho-sexual development. It was a powerful cultural expectation that young people join religious life, and it is

questionable how informed they were about what this meant. Religious life was very often one of isolation, loneliness, and harsh in its quality of life. This lack of acknowledgment of the nature of religious life, in these times, was clear in the Royal Commission's unwillingness to consider that presbytery life could be one of hierarchy and solitude. The sheer volume of postulants and seminarians has reduced significantly since the 1980s, but this appears unacknowledged. To my mind, the Commission makes the past the present.

The fixation with Confession is an example of this. There seems no exact number of how many people claimed they had either confessed to child sexual abuse or said they were victims of child sexual abuse, when going to confession. The phenomenon of 'going to confession' started to wane in the 1980s, yet the way the Commission speaks about the sacrament of Reconciliation it as though the patterns of 1950s and 1960s are still present. There is no real understanding of both how the sacrament works, and the changes that have been made, or the reality of disclosure by a child, to sexual abuse.

Issues to cover

What is absent in the Report is the absence of context around current knowledge of child sexual abuse, about who are its victims, who are the perpetrators, the factors that contribute to it, and the context in which it most likely takes place. There are no links made between what has been discovered about child sexual abuse in institutional care and the current state of affairs for vulnerable children. There is a disturbing disconnect between what has been uncovered and what are the implications of this for contemporary society. Institutional child care is very changed from that which has been the focus of the Commission, but this seems unacknowledged. Whilst the Commission has made recommendations to improve the safety of children in institutions, the reality is that children are at much greater risk of child sexual abuse in the intrafamilial sphere than in community groups. Whilst drawing up standards for the latter, is very significant, the former is ignored. And this has changed the conversation in the community about what constitutes child sexual abuse, to the cost of victims, in today's society. It has become more difficult to get attention to the high risk children, in problematic family structures, to children in high risk communities, or to the increase in sibling abuse. These risks are significant, but are overlooked. This lack of contemporaneous concern renders the Commission concerns for children at risk of child sexual abuse flawed.

The Commission has done a great service to uncovering the tragedy of child sexual absence in institutions. But it has not taken this further to its current concerns, and this is a fundamental gap in the Commission report, in my view.

Dr Marian Sullivan

The Truth Justice and Healing Council brought together selected members of the Catholic Church to respond to the Royal Commission into Institutional Responses to Child Sexual Abuse.

The discussions within our meetings were substantial and explored many complicated topics arising during the Royal Commission.

My knowledge in many areas has been greatly increased and my perspective broadened in keeping with the words of St Paul '*The life and death of each of us has its influence on others*'. Francis Sullivan and Neville Owen have been exemplary in their commitment to the Council during the Royal Commission as was the late Barry O'Keefe.

I would like to look at three facets of my Council experience as a Catholic, as a medical practitioner specialising in psychiatry and as a Council member.

As an Australian Catholic I know of the remarkable achievement of the Church here in setting up large numbers of educational, health and social welfare services.

These endeavours were predicated on the relentless striving of Religious and lay people to enrich the lives of the Catholic community especially the poor and vulnerable. A strong Irish influence coloured the Australian Church and brought an understandable sensitivity to disadvantage and discrimination.

The pride in having achieved so much is now tarnished by the realisation that maltreatment of children was occurring within Catholic institutions and parishes.

How much the terror of "scandal" was exacerbated by historical sectarian hostilities is hard to know but the incompetence and secretiveness of Church authorities in the past is mortifying. I find it difficult to reconcile the discrepancy between the Church that has been so pivotal in my family's life and the institution that caused so much harm to victims and their families. As a Catholic it has been a distressing experience.

There have been complaints about child sexual abuse in the Catholic Church now for many years and Australia was the first country in the world to set up a formal response to acknowledge and compensate victims.

Towards Healing and the Melbourne Response were commendable responses for their time. Whilst showing a much more compassionate understanding towards the victims my impression was that the response was to the individual and not able to address systemic issues which allowed child sexual abuse to occur

My work in medical regulation involved addressing problems that had many similarities with the issues the Council had to address. Medical authorities are often faced with people who have been seriously harmed by the activities of an individual and /or a system that did not have sufficient safeguards to prevent predictable mishaps. Over many years, often in response to public outcry, responses to improve have been developed.

Constant vigilance in reviewing safeguards and monitoring, root cause analysis, research, ongoing education of practitioners and encouraging open disclosure of problems have been seen as essential to preserving the high standard of medical care in Australia. I see many parallels with the Council's approach especially the setting up of Catholic Professional Standards Ltd. The many discussion papers commissioned by the Council are the building blocks of sound regulation.

In my professional role as a practicing child and adolescent psychiatrist I am aware that child sexual abuse was either ignored or downplayed by Psychiatry until the latter part of the 20th century. It is very hard for younger mental health professionals to appreciate the shift that has occurred over the last 25 years ushering in an appreciation of the role of childhood sexual trauma in psychiatric morbidity.

I could find little acknowledgement of this historical background in the Royal Commission's final report and whilst not excusing the failures of the Church (and other institutions) it might have been helpful in understanding the neglect of victims.

The vast bulk of child sexual abuse occurs within families not institutions but there are intersections. Dysfunctional, disintegrated families, chaotic homes and substance misuse are some of the factors

escalating the need for out of home care .A rapidly increasing prevalence of peer-to-peer sexual abuse in such situations is being noted and is cause for concern . The Royal Commission's focus on celibacy and the seal of the confessional seems over emphasised as facilitating child sexual abuse.

The Royal Commission has challenged many parts of Australian society and its institutions. The Catholic Church has been scrutinised extensively and critiqued harshly.

As a member of the Council I have moved from a disposition of disappointment with the Church to one of satisfaction that the Church represented by the Council has unflinchingly faced the shame of its past behaviour and any inadequacies of redress. Although not widely acknowledged, the cooperation that the Council gave to the Royal Commission has been exemplary and is proof of our resolve.

My hope is that, in time, the Church will be seen as an honest institution, acknowledging past wrongs and responding compassionately to victims. The damage to the credibility of the Church can be only be undone by continuing to focus on care for victims both in terms of supporting the redress scheme and pastoral care. Hopefully, the future day to day functioning of Catholic institutions will bear witness to our reforms.

Bishop Bill Wright

Looking back over five years, the most astonishing thing is that the Australian Church, or rather the hundreds of organisations that make up the church, made and maintained such a solid commitment to the Council's work. Not all of these organisations were comfortable with the way the Council responded to the Royal Commission, at least not all of the time, but there was a remarkable sense that all of us had to be engaged, and had to be engaged together. It was, for one thing, a massive financial commitment. Despite recent headlines about the assets of the Church, most dioceses and congregations have very modest operating budgets, and the Council has been a very expensive exercise. But they have thought that it was worth it to have a single Catholic body that was sufficiently well resourced to be able to engage with the work of the Commission professionally and positively, and for two years more than expected. No small achievement for such a disparate group.

When the history of the Royal Commission is written, it will be clear, I believe, just how positively the Catholics, through the Council, did engage with its task. The various very substantial submissions that the Council made to the Commission's Consultation and Issues papers on matters like redress, child safe practices, common legislative frameworks for child protection and many others, are reflected in many places in the Final Report. This was not the stuff of headlines in the popular media, but it was a significant contribution to the Royal Commission's work. It reflects the breadth of expertise among the Council's members, and the quality of its staff and legal resources. It has been a privilege to sit with these people.

The Council members, though, were not all like-minded all of the time. From the beginning some were more eager to put the Church's case, to stress how much had changed since the mid-nineties. Others were more conscious that the church's credibility had been shot to pieces out in the public and that any attempt to present a more positive story would be seen as 'defending the indefensible' and neither heard nor believed. In practice, the 'narrative' was that the church had failed disastrously, and often criminally, to protect children. The Council had to humbly acknowledge the truth of that and to own the need to change and make amends. If that wasn't the whole truth about where the church has been these last twenty years, it was the truth that the Church had to own and live with.

As a bishop on the Council, I did not bring to the table the expertise in law or psychology, sociology, welfare or government that other councillors had. I did, however, have direct knowledge of the processes of child protection in practice in my diocese, the complexities of arriving at agreed settlements with survivors of abuse, and the stresses on priests and communities of the 'abuse crisis' in my diocese. I had also, very importantly, met and listened to many survivors and some support groups. I had the experience, even while on the Council, of getting it wrong when it came to appreciating the impact on survivors of certain ways of speaking or acting, and that teaches a certain humility. Also, as the focus of community anger had shifted, before the Royal Commission, from the crimes of the perpetrators to the failures or crimes of leaders who had 'covered up', I understood a bit more how bishops were feeling, how they weren't Olympian figures above grieving, shame and anger. The Council was a body set in-between the Royal Commission and the leaders of the church. It had to relate effectively to both.

Francis Sullivan, as the public face of the Council, was the most exposed to the risks of losing credibility with either the public and the Royal Commissioners or with what we might call 'loyalist' Catholics and Church leaders. He walked the fine line with remarkable skill, though that in some ways misrepresents as 'skill' what was a decision that the best way to respond to each situation was to be totally, severely honest about the facts and to face the past squarely, without any attempt to minimise or explain it away. He gave 100%.

The Royal Commission had a formidable set of tasks. It had to do justice to the thousands of survivors who told their stories in private hearings or written submissions; it had to answer their questions, 'How was this allowed to happen? Who was really responsible?' So it had to examine the past quite forensically, and its counsel assisting certainly rose to that task, in public hearings that sometimes assumed a courtroom character. But the Royal Commission also had to look at the present reality of the responses of institutions to abuse of children. And it had to propose measures to ensure that institutions of all kinds would in the future protect children properly, respond to victims of abuse properly and set in place new institutional cultures to achieve these ends. The examination of the present arrangements of institutions, and the studies of what the future should look like, were not for the most part played out in public hearings, and this has to some extent skewed the public perception of what the Royal Commission was all about. That is why it will be important that governments, churches and even the media continue to study the massive Final Report and the Royal Commission's other reports thoroughly. There's much more there to ponder than the headlines.

At the time of writing, the focus is on the implementation of a national redress scheme. The Catholic Church was the first major institution to declare its support for such a scheme. Now it's up to governments and legislatures to get it right. I want to see such a scheme in place, and quickly. But no-one wants to see a scheme that's been rushed through and is, consequently, not going to work successfully. At the moment, the jury is still out, but the church will continue to work with the civil authorities to implement the Royal Commission's findings in the best ways possible. That's fundamentally what the Council has been about.

5 One Voice Strategy

On 12 November 2012 Prime Minister Julia Gillard announced the creation of the Royal Commission, to be a national Royal Commission established jointly with each of the states and territories.

At the level of the Australian Catholic Bishops Conference (**ACBC**) and Catholic Religious Australia (**CRA**) Church leaders were considering how best to engage with such a high-profile inquiry in order to present a consistent, joint position across the multiplicity of Church authorities.

The leaders recognised that if it was left to each individual Church authority to respond independently to the Royal Commission or the media, then in a relatively short time contradictions would emerge, confusion would reign and the Church would appear to be in chaos.

The leadership agreed there needed to be a different approach.

This was achieved on 12 December 2012 when in a joint media statement the ACBC and CRA, announced the establishment of a national coordinating body, the Truth Justice and Healing Council, to ‘oversee the Church’s engagement with the Royal Commission and the pastoral and other ramifications that have arisen from the sexual abuse scandal’.

In the statement, ACBC President, Archbishop Denis Hart, said he was confident that the Royal Commission would enable an examination of the issues associated with child abuse nationally and the identification of measures for better preventing and responding to child abuse in all those institutions that work with children.

“The Catholic Church’s leaders have recognised that the Royal Commission will demand a sophisticated and coordinated response across the country,” he said.

The key functions of the Council, as outlined in its terms of reference, were to coordinate the Church’s legal representation before the Royal Commission, to drive the Church’s reform agenda and to act as the public voice of the Church in all areas relating to the Royal Commission.

The Council was a very different organisation from most, if not all other bodies within the Church at the time, in that it was lay-led, it had a degree of autonomy rarely seen in the Church and it was not guided or informed by the Church leadership in terms of its public statements.

In simple terms the Council became the ‘one voice’ for the Church when responding to Royal Commission issues – both publicly and within the Royal Commission process.

5.1 Supervisory Group and Truth Justice and Healing Council

At the same time as the Church leadership established the Council, it established the Supervisory Group, to which the Council made all its recommendations. The Supervisory Group was made up, for the most part, of the ACBC’s Permanent Committee and representatives from CRA.

The Council’s terms of reference make clear the role of the Supervisory Group and the Council’s reporting requirements.

Over the five year life of the Royal Commission this reporting arrangement and the relationship between the Church leadership, through the Supervisory Group, was productive.

It succeeded in streamlining what would have been the difficult, if not impossible, process of reaching agreement on key policy and reform issues between the Church more broadly and the Council.

5.2 Effectiveness of Supervisory Group-Council relationship

In practical terms the Council had no real power to implement any reforms. The Council was only ever an advisory body.

For any Council recommendations to come into effect across the Church they had to first be supported by the Supervisory Group, which then recommended them as appropriate policies and responses for the many Church authorities across Australia.

All the significant reforms recommended by the Council were endorsed by the Supervisory Group including support for national redress, changes to litigation approaches, to the re-examination of past settlements and swathes of child protection initiatives and policy reforms.

The willingness of the Supervisory Group to effectively delegate this very important policy development to a predominantly lay group must be commended and will hopefully be seen by Church leaders as an effective model for gaining the best possible advice on the many difficult challenges currently confronting the Church.

While the Council-Supervisory Group relationship worked well, particularly in relation to the reform agenda, in practice it was sometimes less than effective particularly in its capacity to require all Church authorities to implement reforms and recommendations.

This was in no way the fault of the Supervisory Group rather a direct consequence of the flat structure of the Church in Australia and the fact most Church entities are autonomous or only answerable to the Holy See.

In the event that a Church authority, a diocese or a congregation, decided not to act on an approved Council recommendation there was and continues to be, very little the broader Church can do to force the issue.

Throughout the Royal Commission there were occasions when individual Church authorities acted counter to the endorsed Council recommendations. This was often in relation to recommendations around identifying proper defendants in civil claims and following the Council guidelines in relation to revisiting past settlements.

This is the nature of the Church in Australia. However, it reinforced the public perception that despite the rhetoric, very little was changing. This was reinforced by media coverage around these issues which largely focused on those Church authorities which were not following the reforms rather than reporting where diocese and congregations were making changes and adopting the Council's position.

5.3 Implementation Strategy

The Council urged the Supervisory Group to establish a substantial implementation strategy immediately following the release of the Royal Commission's final report. At the time of writing it is understood that an Implementation Advisory Group (IAG) has been established and its role will be announced at the completion of the Council's term.

6 Addressing Healing and Reconciliation

6.1 Context

Ronald Rolheiser OMI said that:

“the sexual abuse scandal is probably the biggest crisis we’ve faced yet, though it’s not so much a crisis of faith as one of credibility.” (The Abuse Scandal As A Dark Night of the Soul, 17 Aug 2003).

He describes the scandal as a dark night for the Church. An experience from which the heart of the Church is purified, stretched and renewed.

In the Australian experience the credibility of the Church, particularly its leadership, has been damaged by the way past leaders responded to cases of abuse of children. It has brought into question the credibility of the Church and by implication, its integrity.

The imagery of a dark night embodies the pervasive sense of pain and demoralisation, even despair, experienced by clergy and laity alike. At its heart, the scandal has revealed the hypocrisy of the Church’s actions as opposed to what the Church proclaims. This dissonance has been amplified in the media, amongst Catholics and in widespread public comment.

It is also reflected in the attitudes of Church-going Catholics in the last two National Church Life Surveys.

The scandal of child sexual abuse in the Church has devastated the Catholic community. This includes current leaders, clergy and vowed religious. The credibility of the Church has suffered and in turn the standing of the Church in the broader community has been undermined. The Church has lost its moral authority.

One set of indicators of the effect of the scandal is the comparison of results of the 2011 and 2016 National Church Life Surveys.

The 2016 survey revealed that nearly three out of five Church goers (57%) agreed that their confidence in Church authorities has been damaged by cases of sex abuse by priests and religious. This result was up from 48 per cent in 2011.

More than one third of Church goers (35%) agreed that their respect for priests and religious has declined as a result of these offences. This result compares to about a quarter (26%) in 2011.

Nearly two thirds of Church goers (64%) agreed that the response of Church authorities to incidences of child sexual abuse had been inadequate and showed a complete failure of responsibility. This represents an increase from 54% in 2011.

There had been a slight improvement of the awareness of the safeguards and procedures put in place by the Church, with 31% of Church goers registering awareness in 2016, up from 28% in 2011.

Interestingly, Church goers remained almost evenly divided over the period as to whether the media coverage of sexual offences by priests and religious was fair, with 33% agreeing and 37% disagreeing that it was fair in 2011, compared to 36% and 38% respectively in 2016.

In separate research undertaken by the Council, Church goers were almost evenly divided over whether children were still at risk of being abused in the Church today. The levels of trust in the leadership of the Catholic Church when it talks about child sexual abuse were low. When asked to rate the leadership, 57% of practicing Catholics said 'untrustworthy'.

In contrast over 80% of the same Church goers said that the Church was doing a good job of providing social services, education and other activities of value to the community.

This demonstrates the value of practical actions in the community's perceptions and disposition towards the Church at this time.

Apart from the loss of confidence in Church authorities, the Catholic community often expressed concern that they were 'kept in the dark' about the details of how the Church had handled sex abuse cases or how much money had been paid to victims by way of redress and compensation.

In addition, local parishioners expressed frustration over the times their parish priests had suddenly been relocated without explanation from the Church administration.

On a more positive note, many parishioners voluntarily expressed gratitude that their local priest had organised an information evening during the course of the Royal Commission. For most parishes this was usually the first such occasion for the parish to discuss the scandal and for parishioners to have a forum where they were free to express their opinions and ask questions for clarification.

The overall impression was that the Catholic community was not aware of the details, even the programs deployed, in responding to allegations of abuse and in turn providing support for victims and survivors. There was relatively little appreciation of the resources the Church has mounted through the professional standards offices to this end. Likewise, there was no broad understanding of the innovations the Church had instigated since the early 1990s to formally address the crisis.

Most Catholics indicated that their only source of information was the media and that the issue of clerical abuse of children was rarely, if ever spoken about in liturgies.

The Council also noted that its materials outlining its role and functions were not universally displayed in parishes, neither were the available resources such as prayers and other liturgical material.

Some priests admitted to being uncomfortable raising the matter with their parish communities. Others actively spoke from the pulpit about the media coverage of particular cases, sometimes, but not always with disdain. Other priests were concerned that the abuse scandal is a source of discouragement for parishioners and dwelling on past cases only demoralised those practicing their faith.

It is noteworthy that there has not been a concerted effort on the part of the bishops to apply a pastoral program of information dissemination to the Catholic community. It seems the tendency to keep the abuse cases and their management private has not helped the Catholic community to come to terms with the scandal. To the contrary it has only added to the loss of confidence in Church authorities and in a directly related way the loss of respect for priests and religious.

It is particularly telling that most, if not all parishes, let alone schools, have not been informed by their Church authorities of the actual local history of child sexual abuse in their Catholic institution. This lack of information includes specific knowledge about the clerical status of perpetrators and the degree of financial and other support that perpetrators were receiving from the Church authority.

With the conclusion of the Royal Commission there is a widely expressed concern that the Church will return to a 'business as usual' approach. While there is always a relative period of 'come down' after a prolonged and intense time of inquiry, it is incumbent on the Church leadership to grasp the challenge on implementation of the Royal Commission's findings with a sense of urgency and resolve. The community needs to sense that the leadership is willing and determined to further improve internal Church processes and better meet the needs of survivors over the long term.

6.2 Reconciliation and Healing

This scandal has been painful for those abused and for those caught up in the abuse, either as perpetrators, administrators, family members, counsellors, those wrongly accused and members of the faith community. Emotions have run high and a sense of betrayal and mistrust has permeated the Church. Reputations have been damaged and livelihoods put at risk. Divisions within the Church have been exacerbated.

Much is in need of reconciliation and healing.

It will be crucial that the Church brings to the experience of the abuse scandal a theological reflection and expression. The pathway for healing, both within the Catholic community and for those who have been abused, needs to be grounded in the belief and spirituality that underpins the Church. To date there has been relatively little theological reflection produced from the Australian experience of the abuse scandal. Parishes and other faith communities would benefit greatly from a series of theological reflections and liturgical celebrations that seek to bring a sense of meaning and recovery from this dark period.

6.3 The Dignity of the Child¹

'At stake is the dignity of the human person, whose defence and promotion have been entrusted to us by the Creator' (Saint John Paul II, Sollicitudo Rei Socialis)

Catholic social teaching provides that every person has inherent dignity, is precious; that people are more important than things. Emphasis is placed on the dignity and sacredness of every human life from its beginning to its end.

Children also possess this inherent dignity and are of immeasurable value. They are created in the image of God. Gospel accounts of Jesus' interaction with children show Jesus saw children having a special place and role in Kingdom of God: 'the Kingdom of God belongs to them' (Mark 10.13-16). In their vulnerability, trust and openness children offer a glimpse of what it is to be open to God. Children show us the grace of God at work in their inquiries, uncomplicated affection and trust, and their inclusion and care of others.

Theologian Karl Rahner wrote that:

'childhood itself has a direct relationship with God. It touches upon the absolute divinity of God not only as maturity, adulthood and the later phases of life touch upon this, but rather in a special way of its own.' (Rahner, *Ideas for a Theology of Childhood*, Theological Investigations Volume VIII: Further Theology of the Spiritual Life 2, trans. David Bourke, (1971) NY: Herder and Herder.)

¹ CESA (July 2015) Children: Close to the Mystery of God <http://ctm.uca.edu.au/children-and-families/wp-content/uploads/sites/7/2016/12/CTF16-Children-Close-to-the-Mystery-of-God.pdf> (accessed 2 March 2018)

Against this background, evaluation of any Church institution should take into account the extent to which it enhances, rather than threatens, the life and dignity of the human person, especially that of the children in its care.

The Royal Commission has based its approach to its investigation of institutional child sexual abuse around the principles of the United Nations International Convention of the Rights of the Child, which in providing for universal and inalienable rights for children to safety and protection, has much in common with Catholic social teaching.

As the Royal Commission has sadly uncovered, despite their inherent and immense dignity, children suffer sexual and other abuse and neglect. The brokenness of our human society radically and adversely impacts their lives.

In creating safe institutions for children, and in implementing the recommendations of the Royal Commission designed to ensure the welfare and protection of children in institutions, the Church will ensure that the loving kindness of God is stronger than the brokenness. In considering the relative positions of the need to protect children against competing liturgical or sacramental demands, the Church must reflect theologically on how it will ensure the safety of children is ensured.

In implementing the Royal Commission's recommendations, the focus should be on the need to make every effort to foster children's flourishing as an expression of God's grace, to discern the face of Jesus in the children we encounter and to ensure they have the space to reach their potential.

7 Restoration of Trust

The Council's research has indicated widespread erosion of trust in Church leaders in relation to the sexual abuse scandal. Catholics were surveyed over the level of trust they had in Church leaders when they spoke about child sexual abuse. The results were similar with those registered for the general community. Close to 60 percent of Catholics and 70 percent of non-Catholics rated the Church leadership as being untrustworthy when it talks about child sexual abuse in the Church.

This is a fundamental issue that requires profound attention.

The Council acknowledges that various Church authorities have initiated measures and actions to demonstrate a genuine sense of atonement and compassionate outreach to victims and their supporters. Any proactive approach has generally been left at the level of the Church authority without any assessment of how consistently this is adopted across the Church. The lack of consistency undermines the general impression that positive initiatives seek to communicate.

Broadly speaking, the restoration of trust will require a direct association between what the Church says it will do and be for victims and what it actually does and is. Even as importantly, how victims perceive what the Church states it is doing is crucial.

The Church stands as a very overt community of faith based on very identifiable values and principles. It is these values and principles that are on trial as the Church seeks to properly confront and atone for the scandal.

What will be crucial is that the actual understood needs of victims are addressed. Not the perceived needs or the assumed needs of survivors.

This requires an openness and productive engagement. The Council recognises that most, if not all, current Church leaders want the best for victims. They want to see healing and justice for victims. The challenge for the Church is its capacity to deliver on those aspirations.

7.1 National Ministry to Survivors

The healing of victims goes to the heart of the Church's mission. It remains a challenge today. As part of the redress schemes conducted by the Church, on-going pastoral support has been provided to victims and their families. The Council recognises the valuable and dedicated work undertaken by the professional standards offices and their counterparts across the Church. Implementing the objectives of *Towards Healing* has been a mammoth and consuming process. The facilitating role of the NCPS has been vital in keeping the *Towards Healing* procedures at the forefront of the Church's response to child sexual abuse.

As was revealed in the Royal Commission, the *Towards Healing* process worked for many and not for others. Too often the litigation option was chosen by victims and their plaintiff lawyers and thus the *Towards Healing* process came to a halt or was suspended for long periods of time, often to the detriment of the victim.

The Council fielded an extraordinary number of telephone calls from distressed individuals expressing concerns with the way in which Church administrators were handling their cases. It seemed to Council staff that these individuals were struggling to find a point in the 'church system' through which their concerns could be addressed in a timely and effective manner. Often the same individuals would have

made similar calls to the offices of the NCPS, the Catholic Enquiry Center and even the administrations of the relevant, or not, Church authority.

The way the Church treats survivors is central to its mission and needs to be reviewed.

Too often survivors encounter the effects of an impersonal administration. Their letters are not responded to in a reasonable time. Their phone messages are not returned. The follow up to their requests is either drawn out or ignored.

Of course, this is not always the case, it may not even be the norm. The Council recognises that only those wishing to register a complaint made contact. However, it does seem that the volume of inquiries directed to the Council warrant a concerted examination of how the Church pastorally responds to victims.

Part of this response needs to be a greatly improved relationship with survivor support groups, such as the In Good Faith Foundation, Lifeboat, For the Innocents and other parish-based support and advocacy bodies.

All of these groups have struggled over many years to have any realistic relationship with Church authorities. Some clergy have reached out to the groups but at other times they have been shunned by Church leaders. All groups survive on donations with little or no formal Church support.

As mentioned previously Church authorities are in the process of establishing a body to implement the Royal Commission's recommendations. A specific task for the Implementation Advisory Group (**IAG**) will be to design and have approved a pastoral support plan for survivors which incorporates the work of survivor support groups.

Recommendation

The Implementation Advisory Group commission a theological reflection resource, based on the theology of the child, suitable for use across the Church, within parishes, schools, faith communities and Church organisations.

Each state should have a survivor advisory group with which the Church leadership engages on a regular basis. Where they exist, survivor support groups should be included.

Survivors should be adequately resourced to provide advice to leaders.

Each diocese needs to develop an apostolate to survivors, to cover pastoral and spiritual care to enable those who seek it, to rejoin the Catholic community.

8 Governance and accountability issues

8.1 Introduction

In its final report the Royal Commission recommended as follows (Rec 16.7):

The Australian Catholic Bishops Conference should conduct a national review of the governance and management structures of dioceses and parishes, including in relation to issues of transparency, accountability, consultation and the participation of lay men and women. This review should draw from the approaches to governance of Catholic health, community services and education agencies.

The general position of the Royal Commission emerges from the following passage:

In accordance with contemporary standards of good governance, we encourage the Catholic Church in Australia to explore and develop ways in which its structure and practices of governance may be made more accountable, more transparent, more meaningfully consultative and more participatory, including at the diocesan and parish level.

The Royal Commission commented that the powers of governance held by individual diocesan bishops and provincials are not subject to adequate checks and balances and that diocesan bishops have not been sufficiently accountable to any other body for their decision-making in their handling of allegations of child sexual abuse or alleged perpetrators. It also concluded that, where it has occurred, the involvement of lay men and women in governance has had a positive impact on the governance of the Church.

In its analysis of this recommendation the Council supported the call for a national review of governance and said:

The ACBC should delegate the conduct of the review to the Implementation Advisory Group. The Implementation Advisory Group establish the terms of reference for the proposed review in accordance with the framework of analysis used by the Royal Commission. The review team should include both corporate and canon law experts, plus a recognised authority on ecclesiology. An extensive consultation process, including the Catholic organisations recognised as fulfilling the requirements of good governance, must accompany the review.

The review should be completed by mid-2019 with results made public during the lead up to the Plenary Council.

8.2 'Governance and management structures'

In accordance with its terms of reference, the Royal Commission looked at what it viewed as governance failings in the context of the child sexual abuse tragedy and the inadequate response of Church leaders to it. However, the sub-text is the uncovering of a broader issue where the lack of transparency and accountability is seen as affecting the management and administration of Church Authorities generally, epitomised by what happened when confronted with the realities of the this crisis.

Many of the witnesses called in the Catholic Church Final Hearing advocated changes in the governance of the Church. Some of the episcopal witnesses indicated an openness for change. On many occasions in the last five years concerned members of the Catholic community have made clear to the Council their desire for change.

The question is how best to bring about a rational and reasoned programme of change to the way the Church operates. The Council believes that a comprehensive review is the best means to achieve that objective and this is why it decided to support the Royal Commission's recommendation for a national review.

However, it begs the question what is meant by 'governance and management structures', particularly when it is viewed against the Royal Commission's attraction to corporate models. From time to time Commissioners asked questions suggesting a view that the Church could adopt some structures and management practices common in corporate (commercial) life. The Royal Commission commented favourably on the governance of Catholic health, community services and education agencies which, as is well known, are now generally operated through corporate entities that are structured, for canonical purposes, as Public Juridic Persons. But, of course, most of the PJPs are of relatively recent origin and, as a general statement, they were established because of the decline in vocations to the religious life and the need to find new ways to operate the ministries that had been founded and by religious congregations. The corporate model that commended itself to the Commissioners is not easily translated to the canonical realities of Church Authorities such as dioceses and parishes. This is not to say that there is nothing to be learned from general governance principles, particularly those relating to transparency and accountability.

There is a tendency to equate 'governance' with 'structures' (in the sense of entities and models). But this can be misleading. At its broadest level of description, the governance of entities entails the framework of rules, relationships, systems and processes within and by which authority is exercised and controlled. It involves recognition of the essential notion of 'stewardship' in relation to the assets and undertaking of the entity. It includes the practices by which that exercise and control of authority is achieved. The term governance has a descriptive content, in the sense of denoting a simple statement of a governance model that is in place. Importantly, it is also commonly used in an aspirational sense by way of holding out a model which practice should seek to emulate.

In other words, governance is not simply about structures. Governance is a means to an end, not an end in itself. The 'end' is stewardship in pursuit of the goals for which the organisation exists. In the case of the Church, the 'People of God', that goal is the promulgation of Gospel values and the service of humanity. Those who hold the levers of power are stewards of the ideals that all of this entails. This is why the aspirational aspect of governance is so important. The *structure* does not define the practice: values do.

There may be limits to what the Australian Church can do about structures in the strict sense because that is, at least in part, a matter of the Universal Law of the Church. It may be more productive if the national governance review for which the Royal Commission has called focuses on *practices* rather than structures and looks to fashion change within the canonical entities which the Universal Church recognises. This would not necessarily limit the scope or importance of the review but it might allow it better scope to work towards solutions to the problems that have been identified with participation in the decision-making processes and lack of transparency and accountability.

Put another way, when it comes to Church Authorities such as dioceses and parishes (rather than ministries that are amenable to operation through corporate PJPs) there may be benefit in looking first at the facilitation of consultation with and participation by members of the Church generally in the decision-

making process and ways in which transparency and accountability can be enhanced in a practical sense. It may be necessary also to look at structural issues if the identified practices cannot comfortably be adapted to what exists at present

Recommendation

The Council repeats the recommendation made in its Analysis Report concerning the national review called for in Rec 16.7 (referred to above), namely that the ACBC delegate the review to the Implementation Advisory Group.

In establishing the methodology and scope of the review, the Implementation Advisory Group could have regard to the reasoning behind Rec 16.7 but should not feel bound by it. The review could include studies to identify and develop a suite of best practice ecclesial governance standards for implementation by bishops and religious leaders in the Australian Catholic Church, to ensure accountable and transparent governance of Church institutions.

In addition to this formal review, Church leaders should explore within their canonical structures the adoption of practical mechanisms that will demonstrate the application of accountability measures for leaders, be they bishops or congregational leaders.

The review will be important for the work of the 2020-21 Plenary Council and it is for that reason the Council suggested that the review should be completed by mid-2019 with results made public during the lead up to those meetings.

8.3 Accountability in the Church

A sophisticated appreciation of the nature of accountability in the Church necessarily requires an understanding of St Paul's conception of the Church as a body where all the members relate in a complementary and organic fashion. This means that a common mission and purpose requires collaboration and co-operation within a shared vision and commitment. As such the body is accountable to its Creator.

In practical terms there needs to be recognition of where and to whom responsibility falls and how this can be assessed for its effectiveness and utility. The degree to which that works well depends on the level of transparency within the structure and its processes. Speaking on this issue, Cardinal Wuerl asked:

"How then is there accountability in the Church?... I believe the answer is in the word 'openness'.

Whatever our responsibility, we must exercise it with an openness that takes the form of sharing information, reporting on the discharge of our duties, and accepting critique of our actions."

Ultimately the Church is accountable to the Gospel. Through its teachings, canon law and liturgical practices the Church seeks to manifest the Gospel in everyday life. This gives structure and a sense of order to the life of the faith community.

"Everyone should be able to exercise his or her public role in a way that is verifiable and that nurtures credibility." (Wuerl, p.18)

8.4 Accountability of Leaders

On the last day of the Church's final hearing the Royal Commission heard evidence from metropolitan archbishops. Discussion commenced with an examination of the history of diocesan advisory, decision making and governance structures, including diocesan pastoral councils, parish councils and finance councils. The panel discussed current structures, lines of accountability and the extent to which lay people are involved and how these structures might change to ensure greater lay participation, particularly women. The extent to which the laity is involved in the appointment of bishops and the appointment and removal of parish priests was also considered.

The evidence given led the Royal Commission to conclude that there is a lack of transparency surrounding the process of the appointment of bishops and a lack of accountability surrounding the decision making and governance of bishops and religious leaders in Australia.

According to the Royal Commission this contributed to decision making that too often led to bishops and religious leaders acting to protect the Church from scandal rather than to protect children from the possibility of harm. Further, in many cases even those in positions of responsibility under the bishops, such as vicars-general and members of congregational provincial councils, either trusted that the bishop or religious leader would 'do the right thing' or were unable to sway the mind of the bishop or provincial to ensure appropriate action was taken. Often there was little if any recourse available to them that would have resulted in the bishop or provincial being called to account.

Individual accountability of bishops (and by implication religious leaders) has been a theme of Pope Francis' speeches, in which he has urged bishops to be '*pastors, not princes*', and '*to know the missionary joy of sharing life with God's faithful people...*' (Pope Francis' address to the meeting of the Italian Conference of Catholic Bishops, 19 May 2015). Bishops and religious leaders should not place themselves above those they serve, but should walk among them, exercising leadership that is transparent and accountable.

There continues to be a lack of openness in the governance and decision making of bishops and religious leaders. There are few mechanisms to ensure that the actions of bishops and religious leaders are called to account.

There are established, and in many cases legislated, requirements and best practice standards of accountability and governance that apply to leadership teams in Australia and that are increasingly being applied to, and adopted by, voluntary and not for profit organisations, especially via operation of the requirements of the Australian Charities and Not-for-Profits Commission.

Repeating the discussion above about difficulties in translating corporate models directly to canonical entities such as dioceses and parishes, the Council considers that good management practices and governance principles that facilitate stewardship ought to be applied to assist bishops and religious leaders in their management of the institutions of the Church for which they have responsibility.

There are some structures and processes already available to bishops under both canon law and other Church guidelines relating to the role of bishops: see for example *Apostolorum successores: directory for the pastoral ministry of bishops* (2004), which, although advisory in nature, recommends that bishops employ principles that can be likened to secular corporate governance requirements.

There is a need for financial accountability, for the professionalisation of governance regimes and personnel, and for these arrangements to be monitored by appropriate advisory and oversight bodies.

Further study is required to develop and implement best practice ecclesial governance for bishops and religious leaders in Australia.

Recommendation

That the Implementation Advisory Group commission a study to identify and develop a suite of best practice ecclesial governance standards for implementation by bishops and religious leaders in the Australian Catholic Church, to ensure accountable and transparent governance of Church institutions.

Church leaders should explore within their canonical structures the adoption of practical mechanisms that will demonstrate the application of accountability measures for leaders, be they bishops or congregational leaders.

8.5 Accountability of Personnel

The issue of the professional supervision of priests and religious was raised in various contexts throughout the final hearing of the Catholic Church.

Spokespeople for the Church revealed an inconsistent approach, but most agreed during the hearing that mandatory supervision of priests, religious and others – in line with other professions – would help mitigate the consequences of the abuse of power that leads to the abuse of children.

Dioceses and religious orders offer voluntary supervision. Participation is encouraged, but not required.

Day 8 of Case Study 50 featured a panel discussion on professional support and supervision of priests and clergy. The panel observed that resources are currently available for the appraisal and support of clergy and religious, but that uptake is limited, especially among priests. They said that engagement in supervision, ongoing formation and professional development has not been mandated, but that that could be a valuable step.

Some panelists agreed with the Council's recommendation that CPSL might assist by setting best practice guidelines for supervision and ongoing formation, with penalties for non-compliance. Panelists agreed that a requirement for pastoral supervision and ongoing formation for clergy and religious would improve child safety in the Church.

The archbishops talked about measures and mechanisms in place for the care, development and supervision of priests and whether or not the bishops have the authority to mandate professional supervision.

Members of religious orders were asked about professional supervision. Some religious access regular external professional supervision. Most said the supervision is encouraged but not mandated. Some described the approach to the practice as variable, and noted that there is an inconsistent supply of people with the skills to provide supervision.

The Council's survey, circulated in April 2016, also requested feedback on the supervision of priests and religious. The responses revealed that the approach to the supervision of priests and religious appears arbitrary, ranging from cursory, to highly organised. One diocese commented that formal supervision is

relatively new territory and requires further cultural change for this to be identified as part of healthy ministry and as such to be well accepted. Mandated supervision is rare and is usually only required after breaches in professional standards.

Recommendations

That dioceses and religious orders put in place requirements for regular external supervision of priests and religious in line with best practice professional standards required of other professions.

That all Church personnel working in leadership positions be required to engage in regular supervision in line with best practice.

That all Church personnel, lay and religious, working in professional standards areas, be required to undertake regular professional supervision.

That supervision practices be regularly reviewed to ensure compliance with best practice.

That CPSL include compliance with new supervision requirements in their standards reporting.

8.6 Code of Ethics

Regardless of where the clerical sex abuse scandal has been examined, the lack of a professional code of ethics for priests and religious has been noted. This was also the case when the Church-commissioned report, *Towards Understanding*, was published in 1997.

The report was part of a broader approach by the ACBC that included a series of actions, one of which was the development of a code of conduct for priests and religious. Since then the NCPS has released the *Integrity in Ministry* and *Integrity in the Service of the Church* guidelines. These deal primarily with the professional conduct of priests, religious and Church personnel.

What has become apparent throughout the Royal Commission case studies involving the Church was the failure by individuals in positions of responsibility in decision making, particularly concerning prudential judgements, truth telling, pastoral response to victims, legal tactics and accountability to the faith community.

The deficiencies exposed in these areas reveals the need for more comprehensive professional ethics training and a code of ethics for priests, religious and Church personnel. Such training and professional formation should form part of a broader education and formation program specifically designed for ministry in the Church and to be undertaken by all personnel who are charged with responsibility in a Church ministry.

Recommendation

The Implementation Advisory Group commission the development of a professional ethics code suitable for application within the Church and capable of being applied in the CPSL standards framework.

8.7 An Ombudsman for the Catholic Church

It follows from the above discussion concerning the lack of accountability in Church governance that change is needed in the way Church institutions are managed: an approach that embraces a new spirit of collegiality, openness and transparency and a willingness to learn from mistakes and make improvements.

The Council considers that this change in culture would be greatly assisted by the establishment of an oversight body with responsibility for investigating complaints and making recommendations for the improvement of systems and processes and the appropriate use of power in the Church, equivalent to a Church ombudsman.

The Council recognises that the concept of an ombudsmen may not have an immediate alignment with canonical concepts, however it urges the Church to grapple with the principle inherent in the role and function of ombudsmen offices in the public sector.

In Australia, ombudsman's offices are responsible for ensuring good public administration and fairness. The strategic vision of the Commonwealth Ombudsman's Office states that its purpose is to 'provide assurance that the organisations it oversees act with integrity and treat people fairly, and influence enduring systemic improvement in public administration in Australia'.

It is not a great leap to imagine how a similar body in a similar role in the Church could be of significant assistance to Church authorities striving to re-establish credibility.

Such a body would need to have teeth. It would need to have power to investigate complaints from individuals or initiate its own investigations and compliance audits into Church authorities. If this could be achieved, it would bring independent oversight, management and resolution of complaints about Church leadership and administration. In the longer term it could advance the Church's mission by fostering a new approach to governance responsibilities and decision making by Church leaders that is accountable, fair, transparent and responsive.

Recommendation

That the Implementation Advisory Group investigate the establishment of a Church Ombudsman role, and in so doing consider the canonical and civil law requirements for such a body to provide effective oversight of Church governance and administration.

8.8 Formal Whistle blower Policy

Recommendations 7.5 and 7.6 of the Royal Commission's final report relate to ensuring adequate protections are in place for individuals who make complaints or reports in good faith about child sexual abuse in institutional contexts. The Royal Commission found, as a result of its investigations and research, that it was necessary to provide strong legislative protection for those who make complaints and voice concerns about the safety of children in their organisation.

In response to these recommendations, the Council in turn recommended that the IAG monitor the development of legislation implementing these recommendations and, in the meantime, commission research as to how an extension of whistle blower protections might affect other aspects of the work of Catholic institutions and entities.

Pending the passage of legislation implementing recommendations 7.5 and 7.6, the Council also considers that all Church authorities should have an operational whistle blower policy. Such a policy should apply both to child protection matters and more broadly, and operate to protect those who make complaints or reports in good faith. As the Royal Commission found, these individuals should be protected both from civil and criminal liability and from reprisals or other potentially detrimental action that might otherwise be taken against them as a result of them making a complaint or report.

Ideally this whistle blower policy would operate in conjunction with an ombudsman role in the Church.

Recommendation

As well as monitoring the implementation of recommendations 7.5 and 7.6 by government, the Implementation Advisory Group commission research as to:

- **how an extension of whistle blower protections might affect other aspects of the work of Catholic institutions and entities**
- **the development of a whistle blower policy.**

8.9 Canonical Status for Catholic Professional Standards Ltd

The establishment of CPSL has been a significant innovation for the Church. Most importantly it will establish standards for child protection and all Church contacts, monitor and report on the compliance by Church authorities to those standards.

This will be the first time that bishops, religious leaders and juridic trustees volunteer to be held to account for their oversight responsibilities.

Most noteworthy is that this process does not undermine the canonical responsibilities of any Church authority, nor does it seek to duplicate or supersede existing regulatory systems of standards compliance imposed by governments.

CPSL was examined in the Royal Commission's final hearing for the Church. It was understood as being a significant structural reform introduced by the Church and one with potential to assist in the necessary cultural reform in prevention and detection of the abuse of vulnerable people.

From an internal Church perspective CPSL goes part of the way towards meeting the aspiration of Pope Francis whereby bishops can be held accountable for the welfare of children within their area of competency. The Council considers the effectiveness of CPSL would be enhanced if it had juridic personality. Given the somewhat unique relationship CPSL will develop with Church authorities and the requirements it will make accordingly, conducting that arrangement within the context of canonical stewardship seems appropriate and further demonstrates its status as an avenue for increased accountability for Church authorities.

Recommendation

The members of CPSL consider the company obtaining juridic personality for the purposes of its mission to the Church in Australia.

9 Engagement with Media

9.1 The Church leadership and the media

At the very start of the Royal Commission the Council made a decision to engage as fully and transparently as it possibly could with the media. In effect this meant all media requests were responded to and that all questions were answered honestly and forthrightly.

The Council would be open and engaging. It would not be defensive, putting the case but not attempting to minimise, obfuscate or justify.

The view from the Council was that regardless of the outlet or the reporter the Church was better off being part of the story rather than becoming a victim of it.

Over many years of media coverage of clerical sexual abuse most Church authorities and certainly most senior Church leaders felt under siege. In general, they felt as though the coverage of the crisis had been exaggerated, that the Church was never given a fair hearing and that the 'good works' of the Church were always ignored.

If the leadership had any sort of media strategy to respond to the crisis prior to the establishment of the Royal Commission it was disjointed, inconsistent and, for the most part, defensive.

By the time the Royal Commission started, the Church's relationship with media had become predictably adversarial.

This was the environment in which the Council began to publicly engage.

9.2 The Council and the media

The immediate objective of the Council's media approach was to build the credibility of the Council; to position it both through what was said and how it engaged to be understood as being willing to be part of the story.

While the media approach did not reduce the scrutiny and criticism of the Church it did ensure that the Church had a voice in most stories and it enabled the Church leadership to be associated with a reform agenda rather than being a defensive voice focused on the past.

That said, the defensive image of the Church in regard to the sex abuse scandal is relatively 'hard-wired' in many media outlets. It takes little for this narrative to come to the surface. A concerted and long-term media strategy that communicates the proactive initiatives and innovations within the Church to engage with survivors and provide support will be essential to counter some deeply held perceptions of the Church's relationship with survivors.

10 Expansion in the role of laity in governance and management

10.1 Participation of Women

Throughout the Royal Commission and across many parish-based consultations the issue of the participation of women in the Church was consistently raised. The discussion covered women's roles in Church ministries, governance and management. It often concentrated on the necessary link between the Church's pastoral response to women and the decision-making processes of the Church.

The limited participation of women in major decisions affecting the life of the Church in Australia was discussed in Case Study 50. In preparation for the case study the Council sought feedback from Church authorities on a number of issues of interest to the Royal Commission, including the active participation of lay people, particularly women, in governance and management activities.

The Council also sought feedback from the ACBC's Office of the Participation of Women, the Catholic Council for Employment Relations (CCER), and the Pastoral Research Office.

A recent CCER report noted that across 3,000 organisations the Church employs around 220,000 people in Catholic education, social services, health and aged care and dioceses, parishes and other Catholic organisations, including religious orders; making it one of the largest employers in Australia. Around two thirds of this workforce is made up of women. CCER reports there are policies and strategies in place that specifically support gender equality in relation to recruitment, retention, performance management processes, promotions training and development, key performance indicators for managers relating to gender equality and gender equality overall.

It is more difficult to find statistics about the number of women engaged in decision making roles within the governance structures, as opposed to pastoral services of dioceses and parishes.

Questions were raised in the course of the Royal Commission about whether the lack of the presence of women in key positions of responsibility had a deleterious impact on how the Church responded to incidents of child sexual abuse. In particular, the judgment of what was and was not suitable behavior between men and young children was raised.

Moreover, whether women would have brought a different and important perspective to both personnel decisions and the management of allegations of abuse of children by clergy and religious was a point often raised. Anecdotally, in cases examined by the Royal Commission, where women were responsible for the management of complaints and responding to survivors, there was generally a more compassionate and positive outcome: see for example in Case Study 26: St Joseph's Orphanage Neerkol.

In the parish consultations the question of the involvement of women in the diaconate and in senior governance roles was regularly raised. Most parishioners knew little about the occasions where women were in senior roles, such as chancellors of the diocese, education and welfare chief executives and business managers. Few if any could identify the canonical restrictions that limit some roles in the Church to clergy.

In general, the focus of concern is how women can have mutual roles in the Church through a process of deliberative participation and full engagement at all levels.

Recommendations

The Council acknowledges that the use of quotas can become counter-productive, however at the same time it urges the adoption of a mechanism of this type to promote the participation of women on decision-making bodies in parishes, dioceses and religious orders.

The Plenary Council identify other practical ways in which the Church governance structures and processes can constitute the voice of women such that its pastoral response is relevant to them.

The Implementation Advisory Group refer a specific term of reference concerning the participation of women to the anticipated governance review of diocesan structures.

11 Adult education and formation

The active engagement of the laity will be essential for the life and health of the Church. To that end a serious national program of adult education in faith along with faith formation programs in general will be vital.

Increasingly lay people are participating in governance and management roles within Church structures, administrations and organisations, including juridic bodies. In all cases they need not only the relevant professional qualifications, but also a contemporary appreciation and knowledge of the applications of Catholic ethos and teachings.

In addition, to the offerings through the Catholic universities, adult education and formation programs need to cater for non-academic needs. Courses in spirituality, ethics and applied theology that cater for the life circumstances of attendees are crucial in building up the life of the faith community.

The Council maintains that Church authorities should place adult education and formation as a high priority in the pastoral planning for the Church of the future with serious planning to establish accessible, quality adult education services.

12 Implications for *Towards Healing, The Melbourne Response*

The Royal Commission has investigated and been critical of aspects of the Church's complaints handling protocols. In its final report, the Royal Commission recommended the review of *Towards Healing* and *The Melbourne Response* in light of its findings.

This follows from the Council's consistent position that 'the days of the Church investigating itself should be over'. In reality, while many complaints regarding historic child sexual abuse will be investigated and managed by the national redress scheme, there will be a continuing requirement for the Church to conduct investigations and manage complaints in many contexts.

In light of this reality, the Council agrees that a review of *Towards Healing* is necessary, and timely, given that the last detailed review of the protocol was completed in 2010. Particular emphasis will need to be given in this process to the discernment of the best approach to the dual elements of *Towards Healing*: those relating to pastoral care, and those relating to reparation.

While *The Melbourne Response* was the subject of more recent review via the Ryan report, it too should be further reviewed in light of the anticipated participation of the Church in the National Redress Scheme.

The future of both protocols should be evaluated, to see if it is possible to establish a truly national complaints handling system for the Church.

Following the Royal Commission's findings, complaints handling systems in the Church will necessarily be different as the Church comes to terms with changed legislative processes and, in due course, the operation of the National Redress Scheme. While the reparation may be managed in most historic cases by the national redress scheme, which will also seek to deal with the pastoral via the direct personal response element, there will be an ongoing need for the Church to have compassionate and robust systems in place to deal with the needs of survivors with historic claims falling outside of redress and of course future claims. The development of appropriate complaints management schemes that are both compliant with the Royal Commission's recommendations, legislation and the obligations of the Church will require careful discernment.

Also requiring careful planning and clarity are the timelines and processes to be used to move the operations of the NCPS and state professional standards offices into CPSL, providing for improvement in service delivery and a seamless transition.

At present the Council is aware that there are gaps starting to emerge where Church authorities are establishing their own safeguarding processes, and accompanying complaints handling mechanisms. Care will need to be taken to ensure that survivors do not fall between the cracks.

Recommendation

That the Implementation Advisory Group commission a comprehensive review of *Towards Healing* and *The Melbourne Response* in light of the Royal Commission's recommendations and the establishment of the National Redress Scheme, to identify and implement best practice complaints handling for the Church, incorporating reparation and pastoral and spiritual care of complainants.

13 Church State relations

Both the process and the recommendations of the Royal Commission have raised questions about the relationship between Church and State. This relationship needs to be founded on respect for the right to religious freedom (and its due limits) and on a proper differentiation of the roles of Church and of the State.

At the Second Vatican Council, the leaders of the Church insisted that the right to religious freedom 'has its foundation not in the subjective disposition of the person, but in his very nature'. The right is to be enjoyed even 'by those who do not live up to their obligation of seeking the truth and adhering to it' and the exercise of the right is 'not to be impeded, provided that just public order be observed' (*Declaration on Religious Freedom*). Public order is observed when there is 'the effective safeguard of the rights of all citizens', 'the peaceful settlement of conflicts of rights', 'an adequate care of genuine public peace', and 'a proper guardianship of public morality' (*Declaration on Religious Freedom*).

The Vatican Council's thinking on the right and its limits is consistent with Article 18 of the International Covenant on Civil and Political Rights finalised by the community of nations a few years after the Council. Article 18 affirms that every individual has the unqualified right to hold a religious belief and not to be coerced in that belief. The individual also has the freedom to manifest that belief in public or in association with others but the State may limit by law the exercise of the freedom in order 'to protect public safety, order, health, or morals or the fundamental rights and freedoms of others' (*Declaration on Religious Freedom*).

Clearly religious freedom of the Church and its members may be limited or regulated by the State when such limitation or regulation is necessary for the protection of vulnerable children.

In the decree on religious freedom those at Vatican II said: 'government is not to act in an arbitrary fashion or in an unfair spirit of partisanship. Its action is to be controlled by juridical norms which are in conformity with the objective moral order.'

The Church, like any free association of citizens, is entitled to conduct itself under the law, enjoying the right to freedom of association and freedom of speech. The state is entitled to limit or regulate the activities of the Church so as to ensure that the rights of persons (particularly vulnerable children) within the state jurisdiction or responsibility are upheld and protected.

In recent times, the engagement of the Church in the public square has been significantly compromised by the sex abuse scandal. The image of bishops has particularly been damaged. This adversely impacts on their effectiveness as moral persuaders in public debates.

In contrast, there has not been any perceived loss of credibility in the services sector of the Church, specifically in the education, health and welfare areas. The contribution of the Church as the largest non-government provider of these services remains well acknowledged and valued.

The most significant change that is impacting on Church State relations is the degree to which the history of the leadership's moral failure in handling the abuse scandal has in turn weakened its effectiveness in prosecuting contemporary moral issues in the public square.

Some commentators opine that the Church's lack of influence in the recent same sex marriage and euthanasia debates are examples of this. Probably a more sophisticated analysis would reveal that these social issues were gaining popular support despite the broadly understood official Church position. The

fact that the Church was less able to prosecute its position, in part due to the odium of the scandal, may not have had such a significant impact on social attitudes than it may have had in earlier times when these issues were less popular.

Regardless, the challenge for the Church is to represent itself in the public square in all its various manifestations. This will require a deliberate, sober and reasoned program of information sharing and dialogue with policy makers, influencers and commentators. In part it will require a communications strategy that incorporates the implementation of changes and innovations undertaken by the Church post the Royal Commission report.

Recommendations

The Implementation Advisory Group oversee the compilation of an ‘advocacy brief’ for the Church comprising:

- **measures taken to prevent the abuse of children**
- **compensation and redress amounts paid to survivors**
- **pastoral support programs for survivors**
- **checks and balances deployed in the Church in the handling of allegations and complaints**
- **reports on the value proposition generated by services in exchange for the tax exemption benefits to their cost structures**
- **data on the number of persons served in Church organisations and the foregone cost to government, and**
- **a data base of areas whereby legislative action would impinge on a legitimate claim of religious freedom eg: abolition of privileged communication in the sacrament of confession.**

14 National Review of Seminaries

Case Study 50 included a number of sessions which examined processes of formation in seminaries and houses of formation, historically and currently.

Witnesses who participated in the panel discussion on day 7 of the final hearing profiled the demographics of the seminary or formation house in which they are involved, including student numbers and age range; the number of overseas candidates; the duration and structure of the formation period and current approaches to the screening, selection and training of candidates. There was considerable variation evident in the approach.

In the past there was limited screening or assessment of candidates for seminary life. Candidates were accepted at a very young age. They were formed away from the rest of society with limited or no examination of their psycho-sexual development. Support around living a healthy celibate life was rare.

Most witnesses acknowledged that more recently there have been developments in formation and seminary practices, including regular instruction on personal development.

Discussion sought to clarify issues regarding confession and what seminarians were being taught about these issues; the possible role of the notion of ontological change in power imbalances between priests and lay people; and possible cultural issues arising from the recruitment of overseas seminarians and priests. Knowledge and opinion across the panel varied in response to these issues.

Bishops, archbishops and leaders of religious institutes were also asked about seminary and ongoing formation. Responses to the Council's April 2016 survey identified a number of issues for consideration. See summary in Volume 4 of this report.

Recommendation

That the Implementation Advisory Group commission a national review of seminaries and formation houses and establish indicators which show:

- **a consistent approach to issues which impact on the safety of children and vulnerable people**
- **that stated goals of programs have been achieved**
- **that stated reforms of seminaries and formation houses are in place, and**
- **the impact/efficacy of those reforms.**