

# Extracts from the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse

## Volume 16 Religious Institutions Summary

### *Catholic Church*

#### *Organisational structure and governance*

- The governance of the Catholic Church is hierarchical. We heard that the decentralisation and autonomy of Catholic dioceses and religious institutes contributed to ineffective responses of Catholic Church authorities to child sexual abuse, as did the personalised nature of power in the Catholic Church and the limited accountability of bishops.
- The powers of governance held by individual diocesan bishops and provincials are not subject to adequate checks and balances. There is no separation of powers, and the executive, legislative and judicial aspects of governance are combined in the person of the pope and in diocesan bishops. Diocesan bishops have not been sufficiently accountable to any other body for decision-making in their handling of allegations of child sexual abuse or alleged perpetrators. There has been no requirement for their decisions to be made transparent or subject to due process. The tragic consequences of this lack of accountability have been seen in the failures of those in authority in the Catholic Church to respond adequately to allegations and occurrences of child sexual abuse.
- The hierarchical structure of the Catholic Church created a culture of deferential obedience in which poor responses to child sexual abuse went unchallenged. Where senior clergy and religious with advisory roles to diocesan bishops or provincials of religious institutes were aware of allegations of child sexual abuse, often they did not challenge or attempt to remedy the inadequate responses of their bishop or provincial, or believed that they could not do so.
- The exclusion of lay people and women from leadership positions in the Catholic Church may have contributed to inadequate responses to child sexual abuse. In accordance with contemporary standards of good governance, we encourage the Catholic Church in Australia to explore and develop ways in which its structures and practices of governance may be made more accountable, more transparent, more meaningfully consultative and more participatory, including at the diocesan and parish level. We recommend that the ACBC conduct a national review of the governance and management structures of dioceses and parishes, including in relation to issues of transparency, accountability, consultation and participation of lay men and women (Recommendation 16.7).
- We accept that diocesan bishops and provincials of religious institutes are increasingly making use of professional expertise in the management of their various institutions, including in the administration of their responses to child sexual abuse. We also accept that the Catholic education and Catholic community services sectors have increasing lay involvement in their governance, operate professionally and are subject to significant government regulation.

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## Volume 16 - Book Two - Catholic Church

346 There has been a consistency in the exercise of governance in all aspects of the clergy sexual abuse phenomenon ... A style of governance and a governmental structure that preserves and protects [the Catholic Church's] image, stature and power and that of its hierarchical leaders at the expense of the most vulnerable members of the People of God is clearly dysfunctional.

347 Dr Thomas Doyle OP, American Dominican priest, canon lawyer and survivor advocate The Royal Commission is concerned with the structure and governance of the Catholic Church, as with other institutions that are the subject of our inquiry, insofar as structure and governance bear upon the protection of children from child sexual abuse in Catholic Church institutions. As outlined in Volume 6, Making institutions child safe, governance encompasses the systems, structures and policies that control the way an institution operates, and the mechanisms by which the institution, and its people, can be held to account.

348 Governance strongly influences an institution's practices and decision-making processes. It is embedded in the good behaviour and the good judgment of those responsible for running an institution.

349 *Integrity, transparency and accountability, risk management, culture and ethics are all important elements of good governance and can help an institution meet its objectives.*

350 This section largely focuses on the governance structure of the ecclesiastical arm of the Catholic Church. It therefore focuses on the governance of the Catholic Church by clergy who, under canon 129 of the 1983 Code of Canon Law, have jurisdiction to exercise governance in the Catholic Church.

351 This excludes the 'laity' from governance. The 'laity' are all those who are not ordained (that is, religious brothers and sisters and lay people). However, some powers and functions of governance can be delegated by clergy to lay people.

We also address below what we heard about the governance of Catholic schools and Catholic community services. Catholic schools are increasingly managed through professionalised diocesan Catholic education offices or corporate entities separate from religious institutes. Catholic community services were historically undertaken as religious works under the authority of religious institutes. However, aspects of governance are increasingly being undertaken by lay people. Canonical structures have developed to enable them to do so. Hierarchical and monarchical nature of Catholic Church governance the governance of the institutional Catholic Church is hierarchical. American Dominican priest, canon lawyer and survivor advocate Dr Thomas Doyle OP provided a précis of evidence in which he stated that the Church is 'a stratified society essentially ruled by just under 3000 bishops', including archbishops, cardinals and the pope.

352 The Catholic Church is also consistently described by commentators as having aspects that are monarchical and feudal. American priest and theologian Donald R Cozzens has written that through its history, the Catholic Church has adopted and retained monarchical and feudal governance practices from the secular world

353 We were told that this monarchical model of governance is a product of both the theology and history of the Church. Archbishop Mark Coleridge, Archbishop of Brisbane, gave evidence to our

Case Study 50: Institutional review of Catholic Church authorities (Institutional review of Catholic Church authorities) public hearing, that the 'kind of monarchical understanding of episcopal governance' has 'deep historic roots'.

354 He told us, 'It has deep theological roots, too, because if you imagine God as a monarch and then Jesus as a monarch and the apostles are sent out by Jesus, and the Pope and the bishops are the successors of the apostles, the whole structure and the model becomes monarchical'.

355 In the Catholic tradition, bishops are regarded as successors to Jesus's 12 apostles.

356 Dr Doyle's evidence was that, 'The official teaching of the Catholic Church holds that the hierarchical model was willed by God ... The teaching and tradition that the hierarchical governmental system is of Divine Origin is essential for the support of the power of the hierarchical leaders'.

357 The power, role and oversight of bishops During our inquiry we have heard that the power, role and oversight of diocesan bishops frequently contributed to the occurrence of, and poor institutional responses to, child sexual abuse in the Catholic Church. In particular, we heard about issues relating to:

- the independence of bishops and their oversight by the Holy See and at the national level
- the concentration of power in the person of the diocesan bishop
- consultation, transparency and due process in the decision-making of the diocesan bishop
- consultative, inclusive and transparent models of diocesan governance.

In canon law, a diocesan bishop has 'all ordinary, proper and immediate power which is required for the exercise of his pastoral function', which includes legislative, executive and judicial power

.358 In his governance of his diocese, he can exercise this power personally or, where permitted by canon law, delegate as he chooses.

359 There are limited, mainly financial, matters on which the bishop is required to seek the approval of the Council of Priests, the College of Consultors and/or the Financial Council.

360 The bishop may also seek, but is not bound by, the advice of the College of Consultors (a body made up of priests) on certain matters, including the appointment and movement of priests in the diocese.

361 Canon law also provides that each diocese is to have a Financial Council in which lay persons can participate.

362 In governing a diocese, a diocesan bishop can also make use of other consultative structures, including diocesan synods and pastoral councils. We address these further below in discussing the involvement of lay men and women in the governance of the Catholic Church. We discuss the role of diocesan bishops in handling complaints of child sexual abuse under canon law, as well as procedures for removing diocesan bishops from office, in Section 13.11.6, 'Canon law'. The independence and oversight of diocesan bishops I have actually described the Catholic Church as the largest ungoverned organisation in the world.

363 Professor Sheila the Baroness Hollins, Member of the Pontifical Commission for the Protection of Minors In Section 13.1, 'Structure and governance of the Catholic Church', we note that the Catholic Church is both a global entity under the leadership of the pope (sometimes called the 'universal church') and a grouping together of many local or 'particular' churches (each local diocese

constitutes a 'particular' church), each under the leadership of its own bishop appointed by the pope.

364 Each diocese is autonomous, with its own structure and governance mechanisms to assist the bishop in governing his diocese.

365 We heard that, while bishops are appointed by and accountable to the pope, bishops govern their dioceses independently from each other and have authority in their diocese upon which no other bishop, apart from the Bishop of Rome, can encroach.

366 As we also explain in Section 13.1, the Catholic Church also comprises many hundreds of mostly autonomous and self-governing religious institutes and associations of varying size. During the Institutional review of Catholic Church authorities public hearing, professor of law at the University of Sydney, Professor Patrick Parkinson AM, stated that the Church's governance structure 'can best be understood as a mixture between ecclesiastical community and feudal principality. The theology of the Church particularly after Vatican II reflects the former. The governance structure of the Church reflects the latter and is rather literally medieval'.

367 Professor Parkinson told us that the core problem in the governance structure of the Catholic Church is the 'extraordinary level of decentralisation and autonomy' of Catholic dioceses and religious congregations: If you have however many dioceses and however many religious orders and the only accountability is to Rome, and Rome is a long way away and has not dealt with these issues well, there is the core of the problem of the governance structure in the Catholic Church as I see it. It's not about how individual archbishops and individual bishops run their shows, but it is about the wider accountability and governance structure of the Church across the country.

368 646 Royal Commission into Institutional Responses to Child Sexual Abuse 647 As it relates to the handling of child sexual abuse, Dr Doyle told us that, in practice, a bishop's oversight by Rome is limited.

369 Dr Doyle said that within the Church: True accountability is very limited. The pope is accountable only to the Higher Power ... Although canon law provides a process of accountability for the hierarchy, in practice it is and has been highly ineffective. Bishops are answerable or accountable only to the pope, not to the Papal Nuncio, the regional archbishop or anyone else ... In the matter of sexual abuse this level of accountability has traditionally been significantly ineffective.

370 This is consistent with the evidence of Professor Sheila the Baroness Hollins, a member of the Pontifical Commission for the Protection of Minors, who said the pope essentially had a unifying role around theology and doctrine, and that 'the Pope ... doesn't have any responsibility for what a bishop does in terms of things which relate to civil society':

371 So when a bishop neglects to respond appropriately and to show the moral authority that is needed when child abuse is present, that's a really tricky thing, because it raises a lot of issues about where does responsibility lie for holding that bishop accountable?

372 Catholics for Renewal, an Australian advocacy group for reform within the Catholic Church, submitted that, while the governance of the Catholic Church is universally controlled, the Holy See's actual intervention at a local level in relation to the 'routine exercise of administrative authority by diocesan bishops' is minimal.

373 Catholics for Renewal commented that, in practice, this results in very limited supervision of bishops by Rome, as well as limited support from the Roman Curia, in relation to their responses to child sexual abuse.

374 In 2007, retired Sydney Auxiliary Bishop Geoffrey Robinson wrote that it became evident when revelations of sexual abuse began to appear within the Catholic Church in Australia, that there is a structural gap in the governance of the Catholic Church above the level of the bishop and below the level of the Holy See.

375 He commented that 'The pope is at the head of the universal Church and a bishop is at the head of each diocese, and in the Latin Church there is no real or effective level of government between the two'.

376 Bishop Robinson wrote of the situation confronting the Catholic Church in Australia in responding to child sexual abuse: Wrong actions by an individual bishop or religious leader reflected on the entire country, and yet the national Church had no power and no mechanism to ensure that individual bishops or religious leaders acted in a proper and accountable manner. This made it quite inevitable that in those countries the entire Church would end up being judged by its worst case, and this is what happened.

377 In Ireland, the 2005 report of Justice Francis D Murphy on the response of Catholic Church authorities in the Diocese of Ferns to allegations of clergy child sexual abuse concluded that the poor response of bishops to abuse had to be seen in the context of the management structure of the Catholic Church, in which bishops were not subject to any formal management system across dioceses or accountable to any central authority in Ireland.

378 We address below the impact of the autonomy of dioceses and religious institutes upon the development and implementation of an adequate national response to child sexual abuse in the Catholic Church in Australia. The concentration of personal power in the bishop the bishop was perhaps regarded as almost like a little monarch in his own diocese and could make whatever decisions he wanted, irrespective of what advice he might seek or not seek.

379 Archbishop Timothy Costelloe SDB, Archbishop of Perth Dr Doyle told us that within the hierarchical governance structure of the Catholic Church, 'Power is vested in individual men who hold the two essential offices in the church's governmental structure: the papacy (the pope) and the episcopacy (bishop)'.

380 In governing his diocese, significant power as well as ultimate decision-making authority are concentrated in the hands of the diocesan bishop. Checks and balances on his power are limited, except that he is subject to the pope as his immediate superior and to canon law.

381 The Truth, Justice and Healing Council (the Council) explained that, while on particular matters bishops are required by canon law to consult with certain bodies within their diocese, bishops have 'full power of governance' in their diocese and in 'the majority of instances ... the bishop is free to make decisions on his own'.

382 Of particular relevance to our inquiry, a diocesan bishop's decision-making authority in relation to the priests of his diocese is largely autonomous. Professor Parkinson described the governance of the Catholic Church as monarchical, in that the powers of the pope and bishops are largely not subject to the kinds of structural checks and balances that are characteristic of more modern models of government. Professor Parkinson attributed the mode of government of the Catholic Church, not to 'biblical ideas of leadership' or 'modern ideas of leadership', but instead to a 'pre-Renaissance

idea of the monarchy'. He pointed to the key feature of this model of monarchy being a leader's 'absolute authority and power'.

383 Dr Doyle also described the powers of governance of diocesan bishops in the Catholic Church as monarchical.

384 He told us: The structure itself is non-democratic and has no separation of powers. The three main governmental powers, executive, legislative and judicial, are combined in one and reside in the two essential governmental offices in the church: the papacy and the diocesan episcopacy ... Since there is no separation of powers there also are no effective checks and balances.

385 Theologian and Vicar General of the Diocese of Broken Bay, Dr David Ranson, told us that a bishop 'has extraordinary capacity' to apply the canon law and undertake his governance 'according to the strengths of his own leadership'.

386 He said that the inherent liability of this personalisation of authority in the bishop is that the bishop's accountability is limited.

387 Similarly, Dr Doyle has written that, without checks and balances, there is 'no true accountability for Church leaders'.

388 The concentration of power in the hands of an individual diocesan bishop carries with it the obvious potential for mismanagement and abuse. In our case studies, we found instances where certain diocesan bishops responded inadequately to complaints of sexual abuse against priests of their diocese and were not held accountable for their actions, placing children at risk of abuse. For example, in our report on Case Study 35: Catholic Archdiocese of Melbourne (Catholic Archdiocese of Melbourne), we found that, during the tenure of Archbishop Thomas Francis Little, decision-making in response to complaints of child sexual abuse against priests was highly centralised, with no effective checks and balances on the archbishop's exercise of his powers in relation to priests who were the subject of complaints.

389 In a number of instances, the archbishop allowed priests to remain in a parish after an allegation was made against them. The evidence in that case study makes plain that a system for responding to complaints of child sexual abuse in which the exclusive authority for making decisions was vested in one person is deeply flawed.

390 Past inquiries into child sexual abuse in the Catholic Church overseas have observed a consistent phenomenon in relation to the behaviour of diocesan bishops worldwide. In 2003, the AttorneyGeneral of the Commonwealth of Massachusetts reported on the handling of allegations of abuse against priests by the Archdiocese of Boston, including Cardinal Bernard Law, concluding that, for decades, cardinals, bishops and others in positions of authority within the archdiocese acted with a mistaken belief that they were accountable only to themselves.

391 The 1990 Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy (Winter Commission) in St John's, Newfoundland, Canada, recommended that the governance of the archdiocese be radically changed, as the concentration of all archdiocesan initiatives in one person's hands leads to a 'loss of a sense of responsibility', which it said contributed to the problem of child sexual abuse in the archdiocese.

392 In our Institutional review of Catholic Church authorities hearing, we heard evidence from the metropolitan archbishops of the Catholic Church in Australia. Archbishop Coleridge told us that

‘there’s a myth of omnipotence about bishops’, and that a bishop’s authority is circumscribed ‘in all kinds of ways’.

393 By way of example, the Archbishop of Adelaide, Archbishop Philip Wilson, pointed to the fact that, for example, under canon law a bishop requires approval in relation to making some financial decisions.

394 We acknowledge that this is the case. However, in the handling of child sexual abuse complaints and responses to allegations of child sexual abuse, it is evident that too often individual bishops in fact acted as if they were accountable to no one, least of all to the children under their authority. Consultation, transparency and due process in the decision-making of the bishop A diocese’s College of Consultors ‘assists the bishop in the governance of his diocese in accordance with requirements of canon law’.

395 However, whether or not a bishop chooses to seek advice from his College of Consultors on the appointment and transfer of priests, he retains exclusive decision-making authority. Marist Father and Director of the Aquinas Academy in Sydney, Dr Michael Whelan SM, told us that the lack of checks and balances upon bishops’ decision-making may have contributed to a lack of transparency and professionalism in their decision-making, which in turn contributed to poor responses to child sexual abuse within the Catholic Church.

396 President of Catholics for Renewal, Mr Peter Johnstone OAM, told us that a form of secrecy that is inimical to good governance is a product of the hierarchical structure of the Catholic Church. He said that, at every level of the Catholic Church, decisions can be made autocratically and in secret.

397 Decisions are made, he said, ‘without the participatory processes and the discipline of external scrutiny that inform good leadership and ensure accountability’.

398 Mr Johnstone also said that the ability of bishops to make decisions in secret and without explanation may have contributed to a sense of a lack of accountability for their decisions in responding to child sexual abuse.

399 The Winter Commission report noted that, while the Council of Priests of the Archdiocese of St John’s, Newfoundland, was meant to assist the archbishop in governing the archdiocese, the reality was that ‘effective decision-making cannot occur because the archbishop has shown no effective capacity to listen to and take the advice of his brother priests on important matters’.

400 650 Royal Commission into Institutional Responses to Child Sexual Abuse 651 The 2003 report of the Attorney-General of Massachusetts into child sexual abuse in the Catholic Archdiocese of Boston found that the leaders of the Archdiocese had for decades ‘acted with a misguided devotion to secrecy and a mistaken belief that they were accountable only to themselves’.

401 The report noted that ‘The Archdiocese’s Policies and Procedures notably exempts bishops from their coverage’.

402 The 2011 John Jay College report on The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950-2010 concluded that ‘In responding to the sexual abuse of clergy, the lack of experience of the hierarchy in using structures of accountability and transparency’ made the policy commitments of the United States bishops more difficult for bishops to understand and adopt and more likely to be implemented slowly.

403 We consider the role of senior clergy in advising the diocesan bishop in more detail below. Consultative, inclusive and transparent models in diocesan governance We heard from a number of

the metropolitan archbishops of the Catholic Church in Australia that there has been a significant change in the culture of governance by bishops and that, as at mid-2017, they strive not to act in the historical model of the monarchical bishop and to be consultative and open in decision-making.

404 Nevertheless, as Dr Ranson told us, while inclusive and accountable governance frameworks exist within the Catholic Church, ultimately a diocesan bishop retains the authority to apply them as he wishes according to his own style of leadership and capacity.

405 Professor Parkinson also said that the reality remains that 'The modern bishop shares decision-making power with delegates, advisory bodies and professional staff only to the extent he does so voluntarily'.

406 Baroness Hollins gave evidence that 'it would be entirely for the bishop to decide how much they wanted to involve laypeople in working with them and advising them in either a professional capacity or just a wise counsel type of capacity'.

407 The Second Vatican Council (1962–1965) encouraged the introduction of more inclusive, consultative and participatory governance structures in dioceses. These included synods and pastoral councils. However, their introduction is not mandatory.

408 Professor Francis Moloney SDB AM, Senior Professorial Fellow at the Catholic Theological College, University of Divinity, Victoria, told us that, while the Second Vatican Council encouraged pastoral councils as a mechanism to introduce greater horizontal accountability and flatten structures of administration at the different levels of the Catholic Church, the governance of most dioceses and parishes remains pyramidal. Professor Moloney said that diocesan pastoral councils were introduced in the years immediately after the Second Vatican Council. However, in 2017 their use has receded in many dioceses resulting in a return to the former pyramid structure of Church governance.

409 He told us, 'We have to live and work within deeply faulty medieval structures and procedures'.

410 Consistent with Professor Moloney's evidence, Adjunct Associate Professor of Theology at the Loyola Institute, Trinity College Dublin, Dr Gerry O'Hanlon SJ, commented that after the Second Vatican Council, 'when it all settled down in the late 1970s', the checks and balances on the power of governance in the Catholic Church envisaged by the Second Vatican Council, such as ongoing councils or synods, were not put in place.

411 We note that Pope Francis, in his 2013 apostolic exhortation *Evangelii gaudium*, stated that: In his mission of fostering a dynamic, open and missionary communion, he [the diocesan bishop] will have to encourage and develop the means of participation proposed in the Code of Canon Law, and other forms of pastoral dialogue, out of a desire to listen to everyone and not simply to those who would tell him what he would like to hear ... A proposal of goals without an adequate communal search for the means of achieving them will inevitably prove illusory'.

412 The governance of religious institutes Religious institutes are either 'of pontifical right' (meaning that they are subject exclusively to the oversight of the pope) or 'of diocesan right' (meaning that they are subject to the oversight of the local diocesan bishop).

413 Each religious institute is autonomous, has its own internal structure of governance and is led by its own superiors.

414 We heard that, in some religious institutes, this level of oversight has been ineffective and that, in reality, most religious institutes in Australia have operated with significant levels of autonomy.



Brother Peter Carroll, Provincial of the Marist Brothers in Australia, gave evidence about the supervision that the Marist Brothers in Australia receive from the international leadership of the Marist Brothers that: I was appointed as provincial by the superior general, but that was after a consultation with the brothers. So I'm accountable to the superior general. But in many ways there is not a lot of supervision from the general council. We are very much sort of a federation model where each province is quite autonomous within the constitutions of the institute.

415 The Provincial of the Salesians of Don Bosco, Australia Pacific Province, Father Gregory Chambers SDB, told us that, in the case of his religious institute, his congregation is 'beholden, of course, to the rector major of the Salesians in Rome and his general council', and that 'we're very much a top-down religious order, very hierarchical', in which the 'rector major and general council in Rome rule the whole congregation ... and want various reports and accountabilities back'.

416 652 Royal Commission into Institutional Responses to Child Sexual Abuse 653 Governance and management consultant Dr Maureen Cleary OAM, who has worked with religious institutes in Australia and overseas to reform their governance and management structures, told us that 'religious institutes are structurally dependent on the episcopal structure of the church but are able to exercise a degree of autonomy relative to their formal definition within that structure and their geographical location'.

417 We heard that this degree of autonomy allowed religious institutes and the various individual communities of priests, brothers or sisters of which they are composed, to operate largely in isolation. As Dr Cleary said: Unfortunately, that 'degree of autonomy' enabled religious institutes to develop in [silos] with little interaction between the various groups of institutes. Prior to the Vatican Council II, most religious institutes existed in isolation from each other.

418 Each religious institute has its own internal constitution, so it is not possible to generalise about the governance of 'religious institutes' as a whole. However, we heard that the governance of religious institutes tends to be much flatter and more democratic than that of dioceses. As outlined in Section 13.1, religious institutes are each led by a superior general at the international level and by provincial superiors at the national or regional level. Superiors general and provincials are usually elected by the members for fixed terms, usually four to six years. They operate in collaboration with central and provincial councils. Although religious institutes tend to be significantly more democratic and participatory in the way they govern themselves, as with diocesan bishops, the constitution of a number of religious institutes were such that provincials or religious superiors had exclusive power for the appointment, movement and management of religious members of their institute. In our report on Case Study 28: Catholic Church authorities in Ballarat (Catholic Church authorities in Ballarat) we found that the Christian Brothers, similar to other Catholic orders, have a structure whereby ultimate power and responsibility rests with one person, the provincial. A system without checks and balances has the obvious potential for mismanagement or abuse of that power and neglect of that responsibility. In that case study, we found a number of instances where complaints against brothers were referred to the provincial and he did not respond adequately.

419 Marist Provincial, Brother Carroll, gave evidence about characteristics of his religious congregation that he thought might explain why responses to child sexual abuse by the Marist Brothers were inadequate. He explained that there were structural problems, including 'very poor administration' and a lack of professionalism.

420 He said: There was also a very hierarchical model where everything had to be taken back to the leader, and the leader had to make the decisions. So I think that's another factor that led to the reasonably poor management of these things.

421 Final Report: Volume 16, Religious institutions Book 2 We also heard evidence that the degree of self-governance, the closed nature of some religious institutes, and their isolation from the outside world, may have contributed to the problem of child sexual abuse. In local religious communities that were subject to limited oversight from their provincial council, this may have created a culture in which there was a sense of a lack of accountability to those outside the immediate religious community. Brother Carroll explained: I mean, going back into the 1960s or before, the province administration was one man travelling around. There were very few supports. It was a very unprofessional sort of arrangement, in one sense, in terms of what we would regard as professional operation today.

422 Brother Ambrose Payne, Professional Standards Officer of the De La Salle Brothers, told us that he considered a structural issue that contributed to child sexual abuse in institutions run by his religious congregation was a lack of oversight of communities.

423 He said: we had a strong tradition in the district that when a man was put in charge of a particular area, it was up to him to make the most of it, and that became a solitary kind of exercise. It has all the shortcomings of any assumptions that are made that people can do things without supervision, and from that point of view I believe that that was another major structural issue.

424 Brother Timothy Graham, Provincial of the Hospitaller Order of St John of God, Oceania Province, considers that a factor in the incidence of abuse in that order was that the institutions it ran, 'working with people with challenging life issues', were very closed communities that 'encouraged cultures that weren't conducive for safe places'.

425 There are differences between the governance of dioceses and the governance of religious institutes. Provincials are elected for fixed terms, while bishops are appointed for open terms. We also heard that provincials do not have the same status as diocesan bishops and that governance of religious institutes tends to be collegial, through provincial councils, which are elected.

426 Dr Cleary gave evidence that, within religious institutes, leadership is elected by a democratic process, which creates an 'enormous feedback mechanism to those leaders'.

427 Father Chambers told us that, within the Salesians, each community has a rector and a house council that report on a regular basis to the provincial and his council, including on change of ministry or employment. Reports have to be put to the provincial council for final acceptance.

428 Father Chambers said that the increasing involvement of the laity in the management of Salesian schools has been a positive development, as some Salesians 'just took things for granted, perhaps, and just assumed that they were going to happen rather than making them happen with proper programs and regular and consistent approaches'.

429 654 Royal Commission into Institutional Responses to Child Sexual Abuse 655 Province Leader of the Oceania Province of the Christian Brothers Congregation, Brother Peter Clinch, told us that he considers the leadership model within female religious congregations to be more 'circular' and 'more helpful than the hierarchical model for me in my situation'.

430 The role of senior clergy and religious in advisory positions to bishops and provincials It is evident that, in some cases, bishops and provincials did not share their knowledge of allegations of

child sexual abuse against priests and religious with other senior clergy (including auxiliary bishops, vicars general, bishops' secretaries and consultors) or religious (including superiors of religious communities and members of the provincial council). However, we also learned of instances where senior clergy and religious in dioceses and religious institutes were aware of allegations of child sexual abuse but did not take action to challenge or attempt to influence the poor decisions taken by their bishop or provincial in responding to those allegations. For example, in the Catholic Archdiocese of Melbourne case study we found that a number of clerics at different times should have advised Archbishop Little to act. As Monsignor Connors said, they could have sought the support of their peers in seeking to persuade the archbishop. They could also have referred to the apostolic nuncio.

431 The 2004 National Review Board of the United States Catholic Bishops Conference Report on the crisis in the Catholic Church in the United States (National Review Board report) concluded, similarly, that although it was their responsibility to do so, it was apparent that bishops and priests appeared reluctant to tell others that they were acting wrongly and this contributed to the problem of child sexual abuse in the United States Catholic Church.

432 We also received evidence from senior clergy and religious that they felt constrained by their position in the institutional hierarchy from taking action that may have protected children from abuse. In our Catholic Archdiocese of Melbourne public hearing, when asked how child sexual abuse could occur over decades in the archdiocese, the Archbishop of Melbourne and President of the Australian Catholic Bishops Conference (ACBC), Archbishop Denis Hart, told us his view was that 'There was such a respect that only the archbishop could act, that this introduced a paralysis'. We found this to be an apt observation.

433 Final Report: Volume 16, Religious institutions Book 2 It is obvious to us that, in some cases, the failure of senior clergy and religious in advisory positions to challenge bishops and provincials of Catholic dioceses for their inadequate responses to abuse, and their paralysis in not taking any other action to correct those responses, allowed children to remain at risk and no doubt contributed to ongoing abuse. We heard that the hierarchical structure of the Catholic Church contributed to a culture of deference in which it is difficult to hold superiors in the institutional hierarchy to account for their actions and decisions. Catholics for Renewal made a submission to us in which they observed that a characteristic associated with the hierarchical structure of the Catholic Church is a culture of deferential obedience to superiors. Catholics for Renewal wrote that ultimate obedience to the pope and consequential deference to authority at all levels of the hierarchy of the Catholic Church has resulted 'for some in a level of loyalty that can be seen in practice as a culture of "blind obedience"'.

434 Professor Moloney said that 'a strong sense of hierarchy', which led to a 'strong downward exercise of authority, and extreme difficulty in going the other way [emphasis in original]', was a factor that contributed to child sexual abuse in the Catholic Church in Australia and also the Church's response to that abuse.

435 Dr Whelan also commented that the 'simplistic and oppressive' understanding of obedience to the authority of superiors in the Catholic Church had contributed to a 'moral infantilism' in the Catholic Church in responding to child sexual abuse.

436 To the extent that the hierarchical system of the Catholic Church led to a decision-making and administrative culture in which senior clergy and religious deferred to their bishop or provincial and did not challenge their poor decisions in responding to child sexual abuse, or seek to remedy them in

some other way, that system was flawed. However, that is not an excuse for their abdication of their individual responsibility for failing to take action to protect children. In Section 13.11.9 we address separately the role of senior clergy in the management and oversight of priests. The role of the Holy See However great the faults of the Australian bishops have been over the last 30 years, it still remains true that the major obstacle to a better response from the Church has been the Vatican. However slow the Australian bishops may have been to respond, the Vatican has been far slower. It still has a long way to go.

437 Bishop Geoffrey Robinson, retired Auxiliary Bishop, Archdiocese of Sydney 656 Royal Commission into Institutional Responses to Child Sexual Abuse 657 We heard that, to the extent that power in the global Catholic Church is centralised in the papacy and the Holy See, this has contributed to inadequate responses to child sexual abuse within the Catholic Church in Australia during key periods. As addressed in Section 13.1, the Catholic Church is simultaneously a universal church under leadership of the pope, supported by the Roman Curia, and a group of local churches under the leadership of diocesan bishops.

438 Within this governance structure, according to theologians and commentators, there is a tension between the centralising and top-down exercise of power by the pope on the one hand and the autonomy of local churches on the other.

439 We were told that this tension has a long historical context. Dr O’Hanlon said of the Holy See’s initial response to the problem of child sexual abuse, that ‘when it suited, Rome, in monarchical mode, was insistent on its own approach and bishops were tempted to defer accordingly’.

440 He said that ‘Everything that came from Rome was taken as gospel, and local bishops didn’t take their own responsibility seriously enough; they looked over their shoulders all the time to Rome’,

441 but that ‘Rome didn’t seem to quite get it. They were very reluctant, for example, to approve the proper reporting to civil authorities’.

442 Dr O’Hanlon further said that Pope John Paul II: internally was very firm about the strong monarchical model of papacy and centralisation. I’ve understood that to be an unhealthy model and a contributing factor to the delay and the poor response of the Catholic Church to the emergence of the clerical child sexual abuse scandal.

443 During our Institutional review of Catholic Church authorities hearing, Dr Doyle also criticised Pope John Paul II and the Roman Curia for their responses to child sexual abuse during his pontificate. Dr Doyle noted that Pope John Paul II ‘knew in detail about the sexual abuse and its cover-up by late 1984’, but took no action until making his first public statement concerning clerical child sexual abuse in 1993 in a letter to the United States bishops.

444 In relation to that letter, Dr Doyle has written that: a significant portion of the letter dwells on the pope’s belief that the secular media sensationalizes the scandals and therefore is partially responsible for them ... [The pope] essentially blamed it on American social disorganisation and moral decay, which had finally contaminated even the clergy. This view had been common among Vatican bureaucrats.

445 Dr Doyle noted further that, for the rest of his pontificate, Pope John Paul II: never took any actions of any consequence to even investigate much less punish bishops who had committed abuse or bishops who had knowingly ignored canon law to protect and continue to assign known sexual predators.

446 Similarly, Dr Whelan commented in relation to Pope John Paul II, that the evidence suggests he 'failed us [the Catholic Church] badly' in responding to the problem of child sexual abuse and that this 'allowed a process of denial and cover up to continue much longer than it ought to have done' [emphasis in original].

447 In relation to the Catholic Church in Australia's response to child sexual abuse, Dr Michael Leahy, political and educational philosopher and former priest, made a submission to the Royal Commission in which he addressed the centralisation of power in the Holy See, particularly in relation to canonical processes for child sexual abuse.

448 Dr Leahy submitted to us: If the Vatican had applied the principle of subsidiarity it preaches to national and local churches, the Australian church would have been freed of the 'moral paralysis' that, according to Melbourne Archbishop [Denis] Hart, prevented it from responding effectively to the paedophilia crisis ... [A] governance practice which produces 'moral paralysis' in an institution is a paradigm case of dysfunctionality.

449 Dr Leahy submitted further, that given the inordinate degree of power they exercise within the church, Popes have to accept considerable responsibility for the inadequacy of its response to the paedophilia crisis ... It is mildly surprising, but also clear, that neither Pope John Paul II nor Benedict XVI felt the same pressure as bishops in their own countries to give priority in their concerns to the plight of the victims of paedophilia over that of the priestly perpetrators ... These Popes must bear responsibility as individuals for their failure to assess correctly the significance of the paedophilia crisis, and to prioritise correctly in their responses to it the claims of victims and offenders.

450 We received evidence that, with time, the response of the Holy See to institutional child sexual abuse has improved. For example, Dr O'Hanlon told us that: The mention of Rome suggests an interesting reflection: at a certain point in this whole saga the primacy of Rome has become an important plus in addressing the situation of clerical child sexual abuse world-wide. Once Rome 'got it' – and this may have been as late as about 2010 – they have been effective in intervening in such a way that local churches have been helped.

451 However, in our Institutional review of Catholic Church authorities' public hearing, we also heard evidence from members of the Pontifical Commission for the Protection of Minors, established by Pope Francis in 2015, who appeared before us in their personal capacity. They agreed that the Catholic Church worldwide remains an organisation that is struggling to come to terms with its responsibilities in relation to the safety of children.

452 Baroness Hollins told us that the international leadership of the Catholic Church as a whole is struggling: I think the Pope does understand the seriousness of it and I think there are many other leaders who do, but I think that the organisation, with the leadership that it has – there are some people struggling to come to terms with it.

453 Mr Bill Kilgallon OBE, also a member of the Pontifical Commission for the Protection of Minors, gave evidence that the Commission has experienced challenges in its work with other departments of the Roman Curia: So our work touches many of the departments, and that's a challenge, too. I mean, anybody who has worked with government, whether it's in Church or in the state, knows how jealously government departments guard their own domain and there can be some push-back about taking advice from others.

454 The evidence of Baroness Hollins and Mr Kilgallon is echoed in Dr Doyle's comment that: Even at the highest levels, Catholic Church leaders thus far have not accepted the assertion that the dysfunctional clerical system itself bears a significant share of the responsibility for the problems.