

Royal Commission Case Study 50

Catholic Church Final Hearing

TRUTH
JUSTICE
HEALING
COUNCIL

Friday 24 February 2017 – Day 14

The Archbishops returned for the final day in the three-week hearing.

Discussion commenced with an examination of the history of diocesan advisory, decision making and governance structures, including the diocesan pastoral councils, parish councils and the finance councils. The panel discussed current structures, lines of accountability and the extent to which the laity are involved and how these structures might change to ensure greater participation of the laity, 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 panel also discussed the notion of ontological change associated with holy orders and what that means for the way ordained men relate to people in the community. The sacramental significance of ordination was discussed and the view was expressed that at its heart it signified a more radical commitment to service. Archbishop Wilson said that an immature understanding of ordination can feed clericalism.

The members of the panel expressed differing views on whether or not mandatory celibacy has been a contributing factor in the abuse of children.

"Celibacy seen as a burden runs the risk of turning in on oneself and would feed any immaturity or lack of balance in the person," Archbishop Hart said.

Commissioner Murray put to the panel that the Commission has heard many times that at the moment of abuse many children, because of what they had been taught, thought they were being abused by the representative of God.

Archbishop Wilson responded: "That's about the most horrible thing I could ever hear. It's just awful that people could behave like that."

All agreed with a proposition put by Justice McClellan that, if celibacy remains, it's critical the church get its priestly selection and formation practices right.

Asked about whether or not they supported the new standards setting and auditing entity, Catholic Professional Standards Limited, Archbishop Costello said he's completely dedicated to the process and that the present and future look very different to the past.

Powers given to the board in the company constitution not to publish audit reports in certain circumstances are broad. All members of the panel agreed that this aspect of the constitution needed to be reconsidered and that some redrafting was required.

Asked about participation in a national redress scheme Archbishop Hart said the archdiocese wants a single national redress scheme but is also in serious negotiations with the Victorian government, Anglican Church, Salvation Army and Uniting Church about a state scheme. He told the Commission he is prepared to consider whether the archdiocese's Melbourne Response scheme for handling child sex abuse complaints should continue, saying he is prepared to look at its future.

The Archbishops talked about measures and mechanisms in place for the care, development and supervision of priests; whether or not bishops have the authority to mandate professional supervision; and whether or not priests should be licensed or registered. There were various opinions expressed about this. Discussion also went to whether bishops should be held to account on a range of standards. All agreed CPS Ltd might set and audit those standards, and that this would involve a significant cultural shift.

The Archbishops described current practices in relation to monitoring offenders and the pros and cons of keeping them within the fold or cutting ties with them, with the result that responsibility for them fell to the community.

The panel also discussed the practice of reconciliation, and whether or not the Australian bishops should issue a statement clarifying current practice. All noted that confessions of children are heard in a public space on most occasions. There was a level of uncertainty about whether or not parents and children were aware of the policies. Archbishop Fisher said this was one of those issues that could emerge as a national standard to be dealt with by CPS Ltd.

The panel discussed the circumstances in which the seal of confession applies and circumstances when it does not. Senior Counsel Assisting asked for clarification on what would happen if, during confession, a child disclosed abuse. Opinion varied on this. The panel also discussed whether this matter was something on which clarification could be sought from the Holy See.

The panel was asked whether or not they would grant absolution to a person who confessed to abusing a child. Responses varied on the circumstances in which absolution might be withheld pending action by the penitent to report to the authorities

The hearing has now concluded.

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