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TRUTH JUSTICE HEALING COUNCIL

The Church as Family

At the hearings of the Royal Commission this week in Melbourne, Archbishop Hart likened the Church to a family, a grouping of people under a common cause, dedicated to leading supportive relationships with a disposition to reach out, not only to support each other but also to support others in need.

From my perspective he hit the nail right on the head.

Earlier we heard Cardinal Pell explain how, in a legal sense, the Church is not liable for a crime committed by one of its clergy.

He used the analogy of a trucking company and its driver and whether the company could be sued for a crime committed by the driver during the course of his employment.

Of course the driver can be prosecuted for the crime however the law generally does not make the company civilly liable in these circumstances.

The legal question being pursued in the Commission related to the area of law called vicarious liability. It is a complex area of law and the Royal Commission has flagged an interest in exploring whether any reform is needed in this area.

Cardinal Pell stated that the law applies equally to all institutions, be they trucking companies or the Church. However the analogy was poorly chosen and was bound to be misunderstood.

The reaction to Cardinal Pell's evidence was swift. It sent the wrong signal to the community by implying the Church approaches child sex abuse as if it is just any other company in the community.

Sadly, in many ways this does not reflect the Cardinal's personal history in being at the forefront of developing policies within the Church to address the crisis of clerical sexual abuse.

It also fails to acknowledge the significant pastoral pathways that *Towards Healing* and the *Melbourne Response* have provided victims of abuse – alternatives to litigation that most other institutions have not offered.

The Church has a moral responsibility to address the abuse that has happened within the Church. This responsibility comes from the nature of what the Church is and purports to believe. Its actions need to reflect those values and obligations. They are not restricted to legal duties but go beyond the law to reflect the virtues of a community seeking to live by the Gospel understanding of justice and compassion.

The description of the Church by Archbishop Hart of a family is a far more real and helpful image. It goes to the core of what we are on about, that is: a disposition of love, caring and openness to the truth and what it says for our lives and our obligations.

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I perfectly understand how people who have been abused by the Church, disillusioned by its actions, and those who remain cynical that the Church understands what is required for the future would have been further discouraged, even angered by the concept that the Church approaches the issues of child sex abuse in a legalistic and disengaged fashion.

The commitment by the Archbishop of Melbourne to review the *Melbourne Response*, particularly the adequacy of the cap and its effectiveness, the processes of determining compensation and the effectiveness of the support services, is a further signal from the Church leadership that they are open to change and are wanting to be responsive to the voices in the community calling for reassessment, review and reform.

I like many others was heartened to hear that announcement during the hearing.

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