

Assembly of Catholic Professionals

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Thank you for welcoming me here today.

As has happened in other parts of the world, including Ireland, the USA and Canada, the Australian community is taking extraordinary steps to bring the Catholic Church and other institutions to account for the destruction caused by sexual abuse of children and young people.

The Federal Government's Royal Commission comes in the wake of the Victorian Parliamentary Inquiry and the NSW inquiry into abuse in the Diocese of Maitland and Newcastle.

The Catholic Church is at a critical juncture.

We can choose to "manage through" the inquiries, or we can seek to begin the huge task of restoring trust with action and authenticity.

We need to accept we have been humbled and diminished;

We need to experience the grief, then draw on strength, stamina, perseverance and courage to make the decisions needed to re-establish a credible and responsive church both here and around the world.

A few weeks ago the Royal Commission released its interim report. It makes the Catholic Church's situation plain.

So far the Commission has either heard or received more than 3,500 individual stories of abuse.

They involve more than seventeen hundred institutions. Just over 60 per cent (1,033) are faith based organisations. Nearly 70 per cent (681) of those are Catholic.

On any analysis, the Catholic Church outstrips any other institution in providing the Royal Commission with content for its work.

Little wonder the media keeps focusing on the confronting and shameful history of the Church in handling child sex abuse cases.

Little wonder too that the community wants to see leadership from the hierarchy – tangible indications that 'they get it' and it is not 'business as usual'.

People may well want leaders to resign. I would prefer that leaders rose to the level leadership requires: that they stood up and took responsibility, not point fingers at hapless advisors or legal protocols.

Not shake their heads at the efforts of predecessors.

Rather take a breath, step back and see what so many others free of institutional loyalties plainly recognise...

...that the institutional agenda of the Church too often still comes first and the spontaneity and freshness of a compassionate pastoral response to victims continues to be hamstrung by caution, risk management and asset protection.

In short, to many in the community the church does, in fact, seem to run like a company free of any moral responsibility, with its guiding principles writ large in its annual financial statements.

Yet, as we all know, to be a Church, to be the Catholic Church built on truth, justice and compassion requires a lot more.

It requires a commitment to its people that goes well beyond the statutes and the common law which defines the behaviour of a company, be it trucking or otherwise.

Pope Francis in *Evangelii Gaudium* recently said:

“Sometimes we are tempted to be that kind of Christian who keeps the Lord’s wounds at arm’s length. Yet Jesus wants us to touch human misery, to touch the suffering flesh of others. He hopes that we will stop looking for those personal or communal niches which shelter us from the maelstrom of human misfortune and instead enter into the reality of other people’s lives and know the power of tenderness. Whenever we do so, our lives become wonderfully complicated and we experience intensely what it is to be a people, to be part of a people.”

Impact of abuse on victims

This maelstrom of human misfortune can easily be found in the lives of people who have been abused as children by clerics and religious within our Church.

Their human tragedy is profound and often lifelong.

Many victims and survivors live with feelings of fear, guilt and shame.

Low self-esteem, self-hatred and depression are all common place.

Many survivors struggle with building trust having been betrayed as children by the very people they depended on: priests, brothers, teachers, family members – people who should have protected and cared for them.

Many grow up to have relationships that are dysfunctional and damaged, that are abusive and dangerous.

Many suffer alcohol and drug addiction.

Survivors often report re-living the abuse, flash backs that can be triggered by smells, events and actions.

Many suffer frustration and shame and are unable to build healthy sexual relationships.

Some grow up to become abusers themselves.

All this and more is often part of what the victims and survivors of child sexual abuse have to live with.

The scandal of clerical sexual abuse and its mishandling by the Church has had other profound impacts.

National Church Life Survey

Not too long ago the Church's National Committee for Professional Standards released its 2011 National Church Life Survey.

In it the National Committee surveyed around 2,500 regular mass goers on their attitudes to a range of issues including Clerical sexual abuse and the Church leadership's response.

The results are telling.

Less than one in three say they still have confidence in the leadership.

Only one in five think the response of church authorities has been adequate and shows any acceptance of responsibility.

Almost three quarters have little or no idea of what the Church has put in place to provide justice for victims.

Only three percent say they have a detailed understanding of initiatives such as Towards Healing and the Melbourne Response.

From this survey alone, and there is much more anecdotal evidence, it's clear the people within the church want the leadership to step up and take action right now to show it's not going to be business as usual.

The role of advisors

Almost in the absence of any other paradigm the Church has looked to lawyers and quasi-legal approaches to address the scandal.

The Royal Commission hearings have demonstrated that Church leaders dealing with sexual abuse within the Church have been dominated, and arguable continue to be dominated, by advice from external professionals, particularly lawyers.

There is a fine balance between seeking advice and being dependent and overly reliant on it. What gets lost is the exercise of real authority.

And in its place comes a rigid legalistic culture numb to objections but proficient in dealing with conflict and protest. The Church becomes more a bulwark than a place with a welcome mat.

Surely, this alone is eroding the image and credibility of the Church.

To make my point let me posit some leading questions:

Is there a distinctiveness to how the Church should approach the ethical issues related to legal liability matters, *particularly related to child sexual abuse*?

When and how are judgments made about the moral responsibility of the Church beyond its legal obligations?

Do professionals align with the Church's ethos in decision making or do they keep a degree of professional distance and thus a degree of disengagement?

Why has there been so much diversity of approach in the manner, style and effectiveness of lawyers in the resolution of abuse cases when they are working for a Church that is attempting to adopt a uniform national approach?

Why is the process both perceived and experienced as being harsh, dry and clinical when the outcome is meant to be pastoral and supportive?

How can the Church administrations blend sound professional advice with the theological and spiritual purpose, the mission of the Church to relieve suffering, deliver justice and be a beacon of hope and compassion?

The course of reform the Truth Justice and Healing Council is charting for the Catholic Church, is driven by action on four major fronts.

First, Pope Francis has made it plain that the Church must adopt a zero tolerance culture when addressing and handling child sex abuse.

It requires Bishops and religious leaders to unequivocally get with this program;

Secondly it calls for a reengineering of practices, procedures and accountabilities to reflect transparently a victim's first approach;

Thirdly, our Council recognises the need to establish an entity with broad organisational authority over all dioceses and religious orders when dealing with sexual abuse issues;

Fourthly, no real change will occur unless there is the capacity and the resolve to implement this course regardless of its impact on careers and loyalties and consistent with an approach that provides compassion and justice for victims.

I'm happy to say that the Council's advice is being supported by the Church leadership and together we have begun the task of building reform of Church processes.

Entity to sue

A significant reform involves the way in which we approach our legal responsibilities when a victim takes us to Court.

The Truth Justice and Healing Council has advised and the leadership has accepted a number of reforms to the way in which the Church authorities defend cases of child sexual abuse brought against them.

We have questioned the appropriateness of hanging on to technical legal defences - which, of course, we are legally entitled to do - or taking an approach which will enable victims more easily to seek appropriate redress.

There is now an agreement at senior levels within the Church leadership that every Church body must offer up an entity that can be sued. That entity must be backed by insurance or assets.

This is a move away from what has become known as the Ellis defence which effectively denied victims an entity to sue and, interestingly, is a reform that many other institutions and Churches need to consider adopting but so far have remained silent.

Liability

Another significant public issue is the liability Church leaders have when a priest or a brother abuses a child.

To date the general position within the Church has been that the current law in Australia relating to vicarious liability should be a matter for the courts.

This is something our Council is looking at in relation to civil litigation reform.

As it stands the law in Australia holds that the abuse of a child by a priest or religious is a criminal act for which the perpetrator is responsible and that, absent any dereliction of duty or negligence by the Church superior, the institution concerned is not legally liable.

This position was upheld by the High Court in 2003.

But the law in Canada and the United Kingdom has been changing in this area.

And maybe there will emerge out of the Royal Commission's deliberations, of which the Council is an active participant, reform recommendations the Council could well support.

National redress scheme

The third significant reform we have proposed is the creation of a national redress scheme for victims, a scheme operated by Government but funded by the institutions responsible for the abuse.

The scheme needs to be non-adversarial and low cost to claimants and provide just, compassionate and fair compensation for victims.

In our submission we propose a scheme which would incorporate an established set of criteria using common law heads of damages to calculate financial redress up to an indexed ceiling determined in line with community standards.

Victims who have already received compensation should be able to access the scheme and have past settlements reviewed by the independent entity.

There should be no time limit for bringing a claim.

Anyone who rejects an offer through the scheme should have the option of going to Court.

And significantly we have proposed a levy on public liability insurance for all institutions that have contact with children to fund claims made against organisations that no longer exist.

We also recommend claimants should have access to free legal advice and where a claimant does have their own representation, then legal fees should be capped.

This proposal is one that has been, for the most part, reasonably well received and is a scheme the Royal Commission is looking at seriously as it works to develop recommendations around redress.

Attorneys General need to act

While there is clearly much reform needed within the Church this should not absolve governments from acting now.

It is disappointing that state and Federal Attorneys General have remained virtually silent about reform as the debate on justice for victims has swirled around them.

Now is the time they should be working together to ensure a redress framework is put in place around Australia that delivers consistent justice regardless of where the victim lives or where the abuse took place.

Responding individually to each person who has been abused

Working in parallel with a national independent redress scheme, we must continue to provide victims of child sexual abuse with pastoral and spiritual assistance.

The job of the Church in assisting victims isn't finished when a payment is made.

We must accept ongoing responsibility to care for the people who have been abused in our institutions.

If this means providing, for example, ongoing counselling services, help finding work or accommodation or assistance with meeting day to day activities, then that is what we will continue to offer.

And while these are significant changes to the way the Church approaches child sexual abuse, and there will be more, there are significant cultural questions which if not addressed will make our reforms look like a Band-Aid on a shark bite.

Cultural crisis in the Church

We must understand and answer the questions about our own culture - past and present...

...to what extent have cultural issues played a part in allowing abuse to occur?

...why does it seem that many church institutions over many decades turned a blind eye, either instinctively or deliberately, to the abuse happening within their walls?

...what role has a culture fed by clericalism, blind obedience and a closed, water-tight environment, played in the prevalence of abuse within some religious orders?

...what reforms need to be made to the way in which young men are selected for entry into the priesthood or orders? What about their training and ongoing development, including a grounding in psycho-sexual development?

...where is the professional development of priests and others?

... importantly where is the assessment and response to the assertion that the clerical, if you like, corporate culture of the Church was for so many years about protecting the reputation of the institution and its assets - protecting fellow priests and religious from exposure and embarrassment - rather than protecting children?

I have said before and I say again in addition to a national independent body to decide on compensation, the Church leadership needs to move towards establishing a truly independent body, to oversee all areas related to child protection within its own structures.

A body led by an independent and lay executive that would oversee, audit and publicly report on every diocese and congregation's adherence to strict policies and protocols around child protection and dealing with child sexual abuse issues.

Similar organisations already exist in Ireland and Scotland.

They are operating successfully delivering regular comprehensive reports on the way the Church leadership in those countries is dealing with child protection issues.

Soon the Truth Justice and Healing Council will be releasing a discussion paper on introducing a similar body here in Australia.

Conclusion

When Pope Francis celebrated mass and spoke privately with six survivors of sexual abuse in Rome recently it was an important symbolic gesture clearly demonstrating the priority he places on addressing the issues of clerical sexual abuse.

Again, he recently sent a very clear message in his interview with the Italian newspaper, La Repubblica, when he said child sexual abuse within the church is a cancer that must be removed.

I think the Pope is making it clear his focus is not just on the perpetrators but also on Church leaders and the broader Catholic community- what we are all doing to change the culture and responses to child sexual abuse.

It is clear he is expecting a lot more from us all.

We must respond now. We can't sit on our hands and tinker at the edges.

Time is running short and the window in which to act is being pushed shut by a sceptical community and a Royal Commission which will roll over the top of us if we do nothing.

Thank you.