

Royal Commission into Institutional Responses to Child Sexual Abuse: Lessons and learnings for the People of God

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(Extended Presentation)**

When the Royal Commission commenced its work more than five years ago it had three tasks: to bear witness to what had happened, to provide just responses to those abused and to recommend ways to create child safe institutions.

Fundamental to our work was to hear from those directly affected – the victims and survivors of childhood sexual abuse. Nearly 17,000 came forward. We gave voice to their stories through private sessions, case studies, written accounts, forums and community engagement initiatives. We published 4,000 de-identified narratives. And a commemorative book in the National Library contains over a thousand messages from survivors to the Australian community. They have been heard.

For you, as both leaders and members of faith based communities your response to what has been heard depends on whose voice you will listen to. As people of God, whose voices will resonate in both your head and your heart?

Will you listen to the voices of those that have spoken through the Commission and their calls for acknowledgement, redress, reform and healing? Or will you listen to the strident voices, within some parts of church and society, who seek to minimise the extent of the abuse claiming it was only a few rotten apples rather than the culture and practices of the church? They cast it as an historical problem which has passed, shift blame to the societal contexts rather than institutional failings and seek to restore the good order of the past, unreformed and unrepentant. They deny the truth of what has been exposed and the imperatives for reform.

Your response rests as much in the Gospel as it does in the recommendations of the Royal Commission. For in the Gospel it was the voice of the oppressed and marginalised that Christ used to declare a new order. It was through his engagement with the poor Christ proclaimed the truth and the light. He admonished those who sought to maintain the status quo and those who sought to maintain the privileges of power, abuse and influence.

Whose voice will you listen to in responding to the challenges of what has been revealed?

Fact from Fiction

The Commission's work has covered so much territory, so many institutions and so many issues that this paper can only touch on a few issues. But importantly the Commission has debunked some long held and often claimed myths or inaccuracies in relation to the Church and abuse in Australia. It has

sought to put the record straight to the extent possible. For me, some of those key areas worth mentioning up front are:

- Child sexual abuse has been present within the Catholic Church for much of its history and is not a phenomenon only of the last century or more specifically the more permissive 1970s and 80s. Despite many positive changes in the church's understandings, policies and practices it remains a contemporary issue and significant present day risks exist.
- Child sexual abuse in religious institutions and the Catholic Church was more extensive than admitted or expected with some specific institutions having very high levels of reported allegations of abuse.
- Abuse was not just an issue of bad conduct by a few 'rotten apples', rather there were systemic issues that enabled abuse to occur and hindered effective, just and compassionate responses especially prior to the mid-1990s.
- Many contributing factors collectively gave rise to personal and institutional failures including unhealthy clericalism, mandatory celibacy and inadequate selection, training and formation of religious and clergy. The absence of professional development and ongoing pastoral supervision exacerbated such weaknesses. And homosexuality was not generally a contributing factor to the sexual abuse of children.
- Poor governance, inadequate leadership, and an unhealthy culture that preferenced secrecy and the Church's own interests contributed to the collective failure of the Catholic Church. The interests of children, and then later adult survivors, were not paramount or even adequately addressed until at least the mid 1990's.
- Many of the improvements in good governance and child safe practices in the Church's human service ministries appear not to have been adequately adopted in the operation of parishes and dioceses, at least until more recently.
- The Catholic Church in Australia did eventually take decisive action to address the complaints and needs of survivors especially with the adoption of Towards Healing (and many claims were satisfactorily dealt with), but inconsistent practices and implementation, and aggressive defences to civil claims lead to much criticism, injustice and unnecessary pain to many.

The story of Religious Institutions through the lens of the Royal Commission

More than 4,500 survivors told the Royal Commission in private sessions that they were sexually abused as children in religious institutions. The abuse occurred in religious schools, orphanages and missions, churches, presbyteries and rectories, confessionals, and various other settings. In private sessions we heard about child sexual abuse occurring in nearly 1,700 different religious institutions.

The sexual abuse took many forms, including rape. It was often accompanied by physical or emotional abuse. Most victims were aged between 10 and 14 years when the abuse first started. We heard about perpetrators including priests, religious brothers and sisters, ministers, church elders, teachers in religious schools, workers in residential institutions, youth group leaders and others.

We conducted 30 case studies on religious institutions. They revealed that many religious leaders knew of allegations of child sexual abuse yet failed to take effective action. Some ignored allegations and did not respond at all. Some treated alleged perpetrators leniently and failed to address the obvious risks they posed to children. Some concealed abuse and shielded perpetrators from accountability. Institutional reputations and individual perpetrators were prioritised over the needs of victims and their families.

Religious leaders and institutions across Australia have acknowledged that children suffered sexual abuse while in their care. Many have also accepted that their responses to this abuse were inadequate. These failures are not confined to religious institutions. However, the failures of religious institutions are particularly troubling because these institutions have played, and continue to play, an integral and unique role in the lives of many children.

They have also been key providers of education, health and social welfare services to children in Australia for many years. They have been among the most respected institutions in our society. The perpetrators of child sexual abuse in religious institutions were, in many cases, people that children and parents trusted the most and suspected the least.

Many people who experience child sexual abuse have the course of their lives altered forever.

Many of the survivors we heard from continue to experience the ongoing impacts. For some, these impacts have been profound. They include a devastating loss of religious faith and loss of trust in the religious organisation that was once a fundamental part of their life. The impacts have rippled out to affect their parents, siblings, partners, children and, in some cases, entire communities. Some victims have not survived the abuse, having since taken their own lives.

It would be a mistake to regard this child sexual abuse as historical; as something we no longer need to be concerned about. While much of the abuse we heard about in religious institutions occurred before 1990, long delays in victims disclosing abuse mean that an accurate contemporary understanding of the problem is not possible. Some of the abuse we heard about was recent. More than 200 survivors told us they had experienced child sexual abuse in a religious institution since 1990. We have no way of knowing how many others may have had similar experiences. It is and will be an issue today and into the future,

However, it would also be wrong to say that nothing has changed. In some religious institutions there has been progress during the past two decades. Some of the religious institutions examined told us about their child protection reforms. Others remained reluctant to accept the need for significant internal changes.

Some important numbers

As of May 2017, 15,249 people had contacted us about child sexual abuse that fell within our Terms of Reference. Of these, 7,382 people told us about child sexual abuse in religious institutions. Many went on to attend a private session. As of May 2017, we had heard from 6,875 survivors in private sessions, of whom 4,029 (58.6 per cent) told us about child sexual abuse in religious institutions.

We heard more allegations of child sexual abuse in relation to the Catholic Church than any other religious organisation, followed by the Anglican Church, The Salvation Army and others.

Whilst there are no historic prevalence studies as to what percentage of children have been sexually abused in an institutional setting, nor in which institutional types, the numbers prepared to share their stories are alarming and cannot be minimised.

For instance by the end of the Commission's work, 32% of all those who came forward identified an institution run by a government, yet nearly 37% identified an institution run by the Catholic Church. Whilst the church ran many schools and other institutions, they were far less than those run by governments.

In relation to schools more than 76% of those who reported abuse in schools, identified a non-government school- 74% catholic, 26% independent.

Furthermore notwithstanding large numbers of complaints received by institutions to date and participation in redress schemes by many, only 34% of all private session attendees indicated that they have advised the relevant institution of their abuse.

The occurrence of child sexual abuse in religious institutions – which we heard was most common in religious schools and residential institutions – should be considered against the backdrop of the roles that religious organisations have played in Australian society. In particular, religious organisations have provided educational and social welfare services to a large number of children, and have received considerable amounts of government funding for this service provision.

The majority of survivors who told us in private sessions about child sexual abuse in religious institutions were male. The average age of victims at the time of first abuse was 10.3 years. Most survivors told us about multiple incidents of abuse and many told us about abuse that continued for more than a year.

We heard about children experiencing sexual abuse in religious institutions in Australia from the late 1920s until well after the establishment of this Royal Commission. Because of delayed disclosure, information gathered from private sessions is likely to under-represent the number of survivors of more recent abuse. The survivors we heard from in private sessions took, on average, 23.9 years to disclose that they had been sexually abused.

The Catholic Church claims data showed that the average age of claimants at the time of the first alleged incident of child sexual abuse was 11.4 years for all claimants, 11.6 years for male claimants and 10.5 years for female claimants. Of those who made a claim, 78 per cent were male and 22 per cent were female. The largest proportion of first alleged incidents of child sexual abuse occurred in the 1970s. The average duration of abuse was 2.4 years. There was an average delay of 33 years between the date of the first alleged incident of abuse and the date the claim was made.

The most common religious contexts in which we heard about child sexual abuse occurring were religious schools, residential institutions, and places of worship or religious activities. As of May 2017 of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions:

- 39.0 per cent told us about abuse in religious schools
- 35.2 per cent told us about abuse in residential institutions managed by religious organisations before 1990, such as orphanages, children’s homes and missions
- 24.8 per cent told us about abuse in places of worship or during religious activities
- 1.6 per cent told us about abuse during recreational activities affiliated with religious organisations, such as church-run camps.

Characteristics of child sexual abuse specific to religious institutions

We heard about some aspects of institutional child sexual abuse which were specific to religious institutions.

We heard that such abuse generally occurred in the context of a religious community. Survivors told us about characteristics of their religious communities that may have contributed to the risk of abuse, acted as a barrier to disclosure, or affected institutional responses.

We heard about some religious communities that could be described as ‘closed’, where children had limited interaction with the broader community. We also heard from survivors about growing up in religious communities with little or no education about sex, and about how this left them vulnerable to sexual abuse.

In devout religious families, parents often had such high regard for people in religious ministry that they naturally trusted them to supervise their children. People in religious ministry were considered to be representatives of God. Many parents were unable to believe they could be capable of sexually abusing a child. In this environment, perpetrators who were people in religious ministry often had unfettered access to children.

Children were often sexually abused by people in religious ministry after the perpetrator had groomed the child’s family members by becoming closely involved in their family life. We commonly heard about perpetrators who ingratiated themselves into the family and became regular visitors to the home. Sometimes perpetrators stepped into the role of ‘father figure’ or exploited particularly vulnerable families such as those experiencing marriage breakdown or mourning a death.

Survivors also told us that as children they were threatened or blamed for the sexual abuse they experienced, often in ways that manipulated their religious beliefs – such as the threat of being sent to hell if they resisted sexual abuse or disclosed it. The use of threats and blame in the name of God had a powerful effect on children.

We heard that some children experienced sexual abuse that involved the use of religious rituals, symbols or language and in confession. Some survivors described such experiences as amounting to a type of ‘spiritual abuse’, which profoundly damaged their religious beliefs and trust in their religious organisation.

Impacts of child sexual abuse in religious institutions

The impacts of child sexual abuse in institutional contexts can be devastating. There can be distinctive impacts where the abuse is inflicted in a religious context.

Some survivors told us they felt a sense of spiritual confusion or spiritual harm after being sexually abused as a child by a person in religious ministry. Many survivors said they lost their religious faith. We heard that children were raised to have the utmost respect for the religious organisation their family was a part of, and were often taught that people in religious ministry, such as priests, were God's representatives on earth. Some perpetrators used this status to facilitate child sexual abuse. When a religious child was sexually abused by such a person, the impacts were often profound. Some children felt that they had been abused by God or that God must have willed the abuse to happen.

The impacts of child sexual abuse extend beyond victims. Their parents, siblings, partners, carers and children can be significantly affected, as can other children and staff in institutions where abuse occurs. The impacts can be intergenerational and can affect entire communities.

We heard that some religious families were torn apart when children disclosed that they had been sexually abused by people in religious ministry, because parents were unable to believe that people in religious ministry could be capable of perpetrating such abuse. Some survivors told us that negative reactions from family members when they disclosed abuse led to alienation between them and their family members for years, in some cases a lifetime.

We also heard that some survivors were not believed, or were ostracised by their religious community, after disclosing experiences of child sexual abuse. Many survivors told us they had experienced suicidal thoughts or had attempted to end their life after being sexually abused in a religious institution as a child. Some survivors described 'clusters' of suicides in affected communities. In some cases we heard about children who took their own lives.

While many survivors told us they lost their religious faith as a result of being sexually abused, others told us their spirituality or religious faith helped them to cope.

Common institutional responses to child sexual abuse across religious institutions

Despite many differences between religious faiths, there were remarkable similarities in the institutional responses to child sexual abuse across religious institutions. Common failures were very evident especially prior to the mid-1990s when many institutions started to more fully address these issues.

Our case studies demonstrated that it was a common practice of religious institutions to adopt 'in-house' responses when dealing with allegations of child sexual abuse. Sometimes there was no response at all. Often, alleged perpetrators were treated with considerable leniency. 'In house' responses ensured that allegations remained secret, and shielded religious institutions from public scrutiny or accountability.

Leaders of religious institutions often showed insufficient consideration for victims at the time they disclosed child sexual abuse. They frequently responded with disbelief or denial, or attempted to blame or discredit the victim. We also heard of instances where children who disclosed sexual abuse in religious institutions were punished or suffered further abuse. Leaders of religious institutions often minimised the sexual conduct that was reported to them and wrongly concluded that there was no criminality in the alleged actions. In other cases religious leaders knew that actions were or may have been criminal. However, leaders of religious institutions typically did not report allegations to police.

Leaders of religious institutions were often reluctant to remove alleged perpetrators of child sexual abuse from positions in ministry or employment after suspicions of child sexual abuse were raised or allegations were received. In some cases perpetrators made admissions of behaviour amounting to child sexual abuse, yet religious leaders were still reluctant to take decisive action or report them to police.

Some leaders of religious institutions made serious errors of judgement in the face of compelling evidence of child sexual abuse, by giving alleged perpetrators a 'second chance' with continued or successive appointments.

This included moving alleged perpetrators to new positions in different locations where they were offered a 'fresh start', untarnished by their history of sexual offending or previous allegations.. The communities that perpetrators were moved into were in some cases not made aware of the risks these individuals posed.

Leaders of religious institutions also commonly allowed alleged perpetrators to continue in ministry or employment with little or no risk management or monitoring of their interactions with children.

Across religious institutions, the inadequacy of internal disciplinary systems and the limited use of disciplinary measures meant that some perpetrators of child sexual abuse were not disciplined at all; some were disciplined, but in a minimal way; and others were disciplined, but only many years after allegations were raised or they were convicted. This often meant that perpetrators who were in religious ministry retained their religious titles, and lay perpetrators remained attached to religious institutions in circumstances where it was plainly inappropriate for them to do so.

Instead of reporting allegations to police or engaging with formal disciplinary processes for the dismissal of perpetrators of child sexual abuse from religious ministry, people who responded to allegations of child sexual abuse in religious institutions sometimes encouraged perpetrators to retire or resign as a way of dealing with these matters 'quietly'. This included, for example, allowing perpetrators to retire or resign on false grounds, such as for health reasons.

Common contributing factors across religious institutions

Multiple and often interacting factors have contributed to the occurrence of child sexual abuse in religious institutions and to inadequate institutional responses to such abuse. Our work suggests these include a combination of cultural, governance and theological factors.

In several of the religious institutions we examined, the central factor, underpinning and linked to all other factors, was the status of people in religious ministry. We repeatedly heard that the status of people in religious ministry, described in some contexts as ‘clericalism’, contributed to the occurrence of child sexual abuse in religious institutions, as well as to inadequate institutional responses.

The power and authority exercised by people in religious ministry gave them access to children and created opportunities for abuse. Children and adults within religious communities frequently saw people in religious ministry as figures who could not be challenged and, equally, as individuals in whom they could place their trust.

Within religious institutions there was often an inability to conceive that a person in religious ministry was capable of sexually abusing a child. This resulted in a failure by adults to listen to children who tried to disclose sexual abuse, a reluctance of religious leaders to take action when faced with allegations against people in religious ministry, and a willingness of religious leaders to accept denials from alleged perpetrators.

In some cases, it is clear that leaders of religious institutions knew that allegations of child sexual abuse involved actions that were or may have been criminal, or perpetrators made admissions. However, there was a tendency to view child sexual abuse as a forgivable sin or a moral failing rather than a crime.

Others inappropriately saw an allegation of child sexual abuse as an ‘aberration’ or a ‘one-off incident’ and not as part of a pattern of behaviour.

Consequently, rather than being treated as criminal offences, allegations and admissions of child sexual abuse were often approached through the lens of forgiveness and repentance. This is reflected in the forgiveness of perpetrators through the practice of religious confession, as well as encouraging victims to forgive those who abused them.

Many leaders of religious institutions demonstrated a preoccupation with protecting the institution’s ‘good name’ and reputation.

In some cases, the structure and governance of religious institutions may have inhibited effective institutional responses to child sexual abuse.

Catholic Church

I acknowledge that particularly since the mid-1990s the Catholic Church has been active in seeking to respond to child sexual abuse within its institutions. This included redress arrangements, counselling and support services, appointment of safeguarding officers and changes to professional standards arrangements. The appointment of the Truth, Justice and Healing Council was a very significant initiative. Yet the history of the Church’s response over time has been found to be inadequate and deeply flawed especially in past times, lacking in justice and compassion in many instances.

Fifteen of our case studies examined responses to child sexual abuse in Catholic institutions, including schools, residential institutions, and places of worship and during religious activities.

As of May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 2,489 survivors (61.8 per cent) told us about abuse in Catholic institutions. The majority (73.9 per cent) were male and 25.9 per cent were female. A small number of survivors identified as gender-diverse or did not indicate their gender. The average age of victims at the time of first abuse was 10.4 years. Of the 1,489 survivors who told us about the age of the person who sexually abused them, 1,334 survivors (89.6 per cent) told us about abuse by an adult and 199 survivors (13.4 per cent) told us about abuse by a child. A small number of survivors told us about abuse by an adult and by a child. Of the 1,334 survivors who told us about sexual abuse by an adult, 96.2 per cent said they were abused by a male adult.

Of the 2,413 survivors who told us about the position held by a perpetrator, 74.7 per cent told us about perpetrators who were people in religious ministry and 27.6 per cent told us about perpetrators who were teachers. Some survivors told us about more than one perpetrator.

We also commissioned a survey to gather data from Catholic Church authorities in Australia regarding claims of child sexual abuse they received between 1 January 1980 and 31 December 2015. This data showed:

- 4,444 claimants alleged incidents of child sexual abuse in 4,756 reported claims
- 78 per cent of claimants were male and 22 per cent were female, and the average age of the claimant at the time of the first alleged incident of child sexual abuse was approximately 11.4 years
- 90 per cent of alleged perpetrators were male
- of all known alleged perpetrators:
 - 37 per cent were non-ordained religious (32 per cent were religious brothers and 5 per cent were religious sisters);
 - 30 per cent were priests;
 - 29 per cent were lay people;
- 3,057 claims of child sexual abuse resulted in a payment being made following a claim for redress, with a total of \$268.0 million paid (of which \$250.7 million was paid in monetary compensation in relation to 2,845 claims, at an average of approximately \$88,000 per claim).

We also sought information from 75 Catholic archdioceses/dioceses and religious institutes about the number of their members who ministered in Australia from 1 January 1950 to 31 December 2010, and how long each of them ministered. We then calculated the proportion of members of these Catholic Church authorities who ministered in the period 1950 to 2010 who were alleged perpetrators, taking into account the duration of ministry (a weighted average methodology).

Of all Catholic priests included in the survey who ministered between 1950 and 2010, taking into account the duration of ministry, 7 per cent were alleged perpetrators.

The weighted proportion of alleged perpetrators in specific Catholic Church authorities with the highest rates, included: the St John of God Brothers; the Christian Brothers; the Benedictine Community of New Norcia; the Salesians of Don Bosco ; the Marist Brothers ; the De La Salle Brothers.

There were however great variations between dioceses and orders raising the question as to why. The differences indicate systemic issues played a part in creating in some institutions an environment in which abuse could take place and remain unreported.

Awareness of allegations of child sexual abuse within the Catholic Church

Our inquiry revealed that sexual abuse has been a long standing issue for the Catholic Church going back to the first millennium. In Australia there a numerous examples of child sexual abuse matters being known of as early as the 1870s. We identified numerous more recent cases where senior officials of Catholic Church authorities knew about allegations of child sexual abuse in Catholic institutions but failed to take effective action.

It is also evident that other priests, religious and lay members of the Catholic community were aware either of specific complaints of child sexual abuse or of rumours or gossip about certain priests or religious. While the knowledge and understanding of child sexual abuse may have developed and deepened in the last two decades of the 20th century, it is clear that Catholic Church leaders were aware of the problem well before that time.

Institutional responses to child sexual abuse before the development of national procedures

We concluded that there were catastrophic failures of leadership of Catholic Church authorities over many decades, particularly before the 1990s.

Those failures led to the suffering of a great number of children, their families and wider communities. For many, the harm was irreparable. In numerous cases, that harm could have been avoided had Catholic Church authorities acted in the interests of children rather than in their own interests.

Few survivors of child sexual abuse that occurred before the 1990s described receiving any formal response from the relevant Catholic Church authority when they reported the abuse. Instead, they were often disbelieved, ignored or punished, and in some cases were further abused.

The responses of various Catholic Church authorities to complaints and concerns about their priests and religious were remarkably and disturbingly similar. It is apparent that the avoidance of public scandal, the maintenance of the reputation of the Catholic Church and loyalty to priests and religious largely determined the responses of Catholic Church authorities when allegations of child sexual abuse arose.

Complaints of child sexual abuse were not reported to police or other civil authorities, contributing to the Catholic Church being able to keep such matters ‘in-house’ and out of the public gaze. Had

Catholic Church authorities reported all complaints to police, they could have prevented further sexual abuse of children.

In some cases, leaders of Catholic Church authorities were reluctant to remove alleged perpetrators from positions that involved contact with children. Some alleged perpetrators were allowed to remain in religious ministry in the same positions and locations for extended periods of time after allegations of child sexual abuse were raised; in some cases there were further allegations of the sexual abuse of children. If appropriate protective steps had been taken, subsequent abuse may have been avoided.

The removal of priests and religious from locations where allegations of child sexual abuse arose, and their subsequent transfer to new locations, was one of the most common responses adopted across Catholic Church authorities in Australia before the development of national procedures in the early 1990s. Some priests and religious brothers who were accused of child sexual abuse were moved on multiple occasions.

When the priest or religious left, sometimes hurriedly, untrue or misleading reasons were sometimes given for their departure. On occasions, the move was timed to avoid raising suspicion. In some cases, no warning, or no effective warning, was given to the new parish or school of the risk posed by the incoming priest or religious.

Until at least the early 1990s, alleged perpetrators often were sent away for a period of 'treatment' or 'reflection' before being transferred to a new appointment or being allowed to continue in an existing one. Some leaders of Catholic Church authorities believed that psychological or other forms of counselling could assist or 'cure' alleged perpetrators of child sexual abuse.

Throughout this period, there was a system under canon law for disciplining priests and religious accused of child sexual abuse, under which the most severe penalty was dismissal from the priesthood or religious life and return to the lay state. However, the Catholic Church authorities we examined did not engage with these canonical processes for priests or religious accused of child sexual abuse in the decades before the development of national procedures in the early 1990s. Instead, bishops and religious superiors adopted a range of informal responses aimed at limiting the capacity of alleged perpetrators to engage in ministry or, at most, permanently removing alleged perpetrators from particular dioceses or religious congregations.

The clearest indication of the inappropriateness and ineffectiveness of institutional responses by Catholic Church authorities to alleged perpetrators of child sexual abuse in this period is that often they did not prevent the further sexual abuse of children. Some perpetrators continued to offend even after there had been multiple responses following initial and successive allegations of child sexual abuse.

Development of national procedures

In the late 1980s, Catholic Church leaders began to discuss the issue of child sexual abuse more formally at the Australian Catholic Bishops Conference (ACBC). In 1988 the ACBC established a dedicated committee to consider issues related to child sexual abuse, and the adoption of a series of

national protocols from 1990 was an important step towards formulating a nationally consistent response. However, these protocols retained a focus on responding to the alleged perpetrators of sexual abuse rather than on the needs of victims, and their implementation by Catholic Church authorities was sporadic.

By the mid-1990s there had been a shift in understanding about the appropriateness of keeping alleged perpetrators in ministry where they would be in regular contact with children. At about the same time, members of the newly constituted Bishops' Committee for Professional Standards recognised that a new protocol focusing on the needs of victims was required. The formulation and adoption of *Towards Healing* and the Melbourne Response in 1996 were considerable achievements in this regard.

Institutional responses to alleged perpetrators during and after the development of national procedures

From the mid-1990s, there were some improvements in the responses of Catholic Church authorities to allegations of child sexual abuse. Alleged perpetrators began to be placed on administrative leave while complaints were investigated, and steps were generally taken to remove perpetrators from ministry if complaints against them were substantiated. However, these processes were not always followed, and some measures masked the reasons for the action taken. Further, processes to dismiss priests and religious appear to have been rarely used during the 1990s and early 2000s.

While the early protocols contained some provisions relating to alleged perpetrators of child sexual abuse, they did not comprehensively set out the obligations of bishops and religious superiors in responding to alleged perpetrators and convicted offenders. Furthermore, it appears that leaders of Catholic Church authorities were not always aware of or did not consistently follow these protocols.

The early protocols did not require leaders of Catholic Church authorities to report allegations to the police. *Towards Healing* did not mandate this until 2010. From the mid-1990s, leaders of Catholic Church authorities continued not to report alleged perpetrators to police, leaving this to victims and survivors. This had the effect of keeping many complaints from the public gaze and in some cases meant that children continued to be at risk.

The early protocols saw the introduction of the approach that alleged perpetrators should be required to take leave from active duties while allegations were investigated. However, Catholic Church leaders in some cases did not take this action and alleged perpetrators continued in the same positions for extended periods of time after allegations had been raised. In some cases, leaders of Catholic Church authorities took steps to remove perpetrators from religious ministry when complaints of child sexual abuse were substantiated or if they were convicted. In other cases action was taken due to a concern about the level of risk posed by an alleged perpetrator. In the case of priests, removal from ministry was generally achieved through the 'withdrawal of faculties'.

Some bishops permitted priests to resign or retire following allegations of child sexual abuse, in circumstances where it was not made publicly known that allegations had been made against them. Other priests were bestowed with honorific titles, such as Pastor Emeritus, at the time of their

resignation, despite being the subject of allegations or having made admissions of child sexual abuse.

The delayed or limited use of canon law processes to dismiss those found to have committed child sexual abuse meant that some perpetrators remained in the priesthood or in religious orders for many years after their guilt had been admitted or established. In addition, the Vatican was very slow to respond to petitions for dismissal from Catholic Church authorities in Australia, and it is clear that the Vatican's approach to child sexual abuse by clergy was protective of the offender. One bishop told us that in a number of cases his requests to have offender priests dismissed from the clerical state were refused and he was instead directed to ensure that the priests live a life of prayer and penance.

Institutional responses to victims and survivors of child sexual abuse after the development of national procedures

In several case studies we considered the experiences of victims and survivors of child sexual abuse who engaged with Towards Healing and the Melbourne Response. For some, participating in these processes was a positive experience which contributed to their healing. However, others told us that their experiences were difficult, frightening or confusing, and led to further harm and re-traumatisation.

We recognised that many people who have engaged with the Towards Healing process since 1997 may have received greatly needed compassion and support and derived important benefits from their participation. However, some survivors have been disappointed by the process and critical of it. We heard from a number of survivors that the principles and procedures set out in Towards Healing were not followed by Catholic Church authorities.

Significantly, a number of survivors told us they perceived that the personnel they engaged with were insufficiently independent of the Catholic Church. Some told us they experienced a power imbalance between themselves and the Catholic Church representatives involved.

We heard from a number of survivors who pursued civil litigation that Catholic Church authorities took advantage of the legal defences available to them and conducted litigation in a manner that did not adequately take account of the pastoral and other needs of survivors of child sexual abuse. The role of legal advice given and accepted without regard to values and mission of the church was deeply concerning.

We also heard that in some cases, Catholic Church authorities avoided or resisted meeting with communities affected by child sexual abuse and failed or refused to provide pastoral support to communities who both needed and requested it. We heard of instances where Catholic Church authorities withheld information from affected communities, which meant that people were not alerted to possible cases of child sexual abuse or were left with unanswered questions.

Contributing factors in the Catholic Church

We considered a range of factors that may have contributed to the occurrence of child sexual abuse in Catholic institutions or affected institutional responses to such abuse.

Child sexual abuse by Catholic clergy and religious may be explained by a combination of psycho-sexual and other related factors on the part of the individual perpetrator, and a range of institutional factors, including theological, governance and cultural factors. The same theological, governance and cultural factors that contributed to the occurrence of abuse also contributed to the inadequate responses of Catholic institutions to that abuse.

Individual factors

Individual pathology on its own is insufficient to explain child sexual abuse perpetrated by Catholic clergy and religious. Rather, a heightened risk of child sexual abuse arises when specific factors in relation to an individual's psycho-sexual immaturity or psycho-sexual dysfunction combine with a range of situational and institutional factors.

Compared with perpetrators of child sexual abuse in the wider community, research suggests that Catholic clergy perpetrators are an atypical group. They tend to begin offending later in life and to be better educated, less antisocial and more likely to have male than female victims.

Factors that may influence whether a priest or religious is susceptible to sexually abusing a child may include confusion about sexual identity, childish interests and behaviour, lack of peer relationships, and a history of having been sexually abused as a child. Further, some clergy and religious perpetrators appear to have been vulnerable to mental health issues, substance abuse and psycho-sexual immaturity. We heard that personality factors that may be associated with clergy and religious perpetrators include narcissism, dependency, cognitive rigidity and fear of intimacy.

Although most of the perpetrators of child sexual abuse in the Catholic Church that we heard about were male adults, and most victims were boys or adolescents, it is a misconception that all perpetrators who sexually abuse children of the same gender as them are same sex attracted. Research suggests that child sexual abuse is not related to sexual orientation: perpetrators can be straight, gay, lesbian or bisexual. Research has indicated that men who identify as heterosexual are just as likely as men who identify as homosexual to perpetrate child sexual abuse. Vatican documents that link homosexuality to child sexual abuse are not in keeping with current psychological evidence or understanding about healthy human sexuality.

Clericalism

Clericalism is at the centre of a tightly interconnected cluster of contributing factors. Clericalism is the idealisation of the priesthood, and by extension, the idealisation of the Catholic Church.

Clericalism is linked to a sense of entitlement, superiority and exclusion, and abuse of power. Clericalism nurtured ideas that the Catholic Church was autonomous and self-sufficient, and promoted the idea that child sexual abuse by clergy and religious was a matter to be dealt with internally and in secret.

The theological notion that the priest undergoes an 'ontological change' at ordination, so that he is different to ordinary human beings and permanently a priest, is a dangerous component of the culture of clericalism. The notion that the priest is a sacred person contributed to exaggerated levels of unregulated power and trust which perpetrators of child sexual abuse were able to exploit.

Clericalism caused some bishops and religious superiors to identify with perpetrators of child sexual abuse rather than victims and their families, and in some cases led to denial that clergy and religious were capable of child sexual abuse. It was the culture of clericalism that led bishops and religious superiors to attempt to avoid public scandal to protect the reputation of the Catholic Church and the status of the priesthood.

We heard that the culture of clericalism continues in the Catholic Church and is on the rise in some seminaries in Australia and worldwide.

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. Despite considerable changes to the conduct of many of its human services and the adoption of sound governance arrangements, including through incorporation, there remains much confusion as to what constitutes good governance especially in the diocesan structures.

In accordance with contemporary standards of good governance, we encouraged 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.

We noted 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 accepted that the Catholic education and Catholic community services sectors have increasing lay involvement in their governance, operate professionally and are subject to significant government oversight.

Leadership

In its responses to child sexual abuse, the leadership of the Catholic Church has failed the people of the Catholic Church in Australia (especially prior to 2000), in particular its children. The results of that failure have been catastrophic.

It appears that some candidates for leadership positions have been selected on the basis of their adherence to specific aspects of church doctrine and their commitment to the defence and promotion of the institutional Catholic Church, rather than on their capacity for leadership.

This meant that some bishops were ill equipped and unprepared for the challenges of dealing with child sexual abuse and responding to emerging claims. Catholic Church leaders in Australia have prioritised protecting the reputation of the church at the expense of the welfare of individuals when responding to child sexual abuse.

Meaningful and direct consultation with, and participation of, lay people in the appointment of bishops, as well as greater transparency in that process, would make bishops more accountable and responsive to the lay people of the Catholic Church, including in responding to child sexual abuse. We recommended that the ACBC request that the Holy See amend the appointment process for bishops.

We also recommended that each religious institution in Australia ensure that its religious leaders are provided with leadership training, both before and after their appointment, including in the promotion of child safety.

Canon law

The disciplinary system imposed by canon law for dealing with clergy and religious who sexually abuse children contributed to the failure of the Catholic Church to provide an effective and timely response to alleged perpetrators and perpetrators. We heard that canon law as it applied to child sexual abuse was cumbersome, complex and confusing. We recommend that the ACBC request that the Holy See amend a number of provisions in canon law.

A number of the issues we identified have impeded the permanent removal from ministry of priests or religious against whom complaints of child sexual abuse have been substantiated, or the dismissal of priests or religious convicted of offences related to child sexual abuse. We recommended that if a complaint of child sexual abuse against a person in religious ministry is substantiated, the person be permanently removed from ministry. Canon law should be amended to this effect. We also recommended that canon law be amended to ensure that priests and religious who are convicted of a child sexual abuse-related offence in a civil court are dismissed from the priesthood and/or religious life.

Celibacy

While not a direct cause of child sexual abuse, we were satisfied that compulsory celibacy (for clergy) and vowed chastity (for members of religious institutes) have contributed to the occurrence of child sexual abuse, especially when combined with other risk factors. We acknowledged that only a minority of Catholic clergy and religious have sexually abused children.

However, based on research we concluded that there is an elevated risk of child sexual abuse where compulsorily celibate male clergy or religious have privileged access to children in certain types of Catholic institutions, including schools, residential institutions and parishes.

For many Catholic clergy and religious, celibacy is implicated in emotional isolation, loneliness, depression and mental illness. Compulsory celibacy may also have contributed to various forms of psycho-sexual dysfunction, including psycho-sexual immaturity, which pose an ongoing risk to the safety of children. For many clergy and religious, celibacy is an unattainable ideal that leads to clergy and religious living double lives, and contributes to a culture of secrecy and hypocrisy.

This culture appears to have contributed to some clergy and religious overlooking violations of celibacy and minimising child sexual abuse as forgivable moral lapses committed by colleagues who were struggling to live up to an ideal that for many proved impossible.

We recommended that the ACBC request that the Holy See consider introducing voluntary celibacy for diocesan clergy. We also recommend that Catholic religious institutes implement measures to address the risks of harm to children and the potential psychological and sexual dysfunction associated with celibacy.

Further, we recommended that, to promote healthy lives for those who choose to be celibate, Catholic Church authorities improve their processes of selection, screening and training of candidates for the clergy and religious life, and their processes of ongoing formation, support and supervision of clergy and religious.

Selection, screening and initial formation

It is apparent that initial formation practices were inadequate in the past, particularly before the 1970s, in relation to the screening of candidates for admission, preparing seminarians and novices to lead a celibate life, and preparing them for the realities of a life in religious or pastoral ministry. The initial training of priests and religious occurred in segregated, regimented, monastic and clericalist environments, and was based on obedience and conformity. These arrangements are likely to have been detrimental to psycho-sexual maturity, and to have produced clergy and religious who were cognitively rigid. This increased the risk of child sexual abuse.

Although from the 1970s there have been improvements in the selection, screening and formation of candidates for the priesthood and religious life, it appears that these have largely been implemented in an ad hoc and inconsistent manner. In particular, there is still a lack of consistency between seminaries and houses of religious formation in relation to the selection and screening of candidates.

We recommended that the Catholic Church adopt a national protocol for screening candidates and that bishops and religious superiors draw on wide-ranging professional advice in their decision-making in relation to the admission of individuals to ordination or the profession of vows.

We also recommended that guideline policy documents relating to the formation of clergy and religious be revised to explicitly address child sexual abuse and its prevention.

We also heard that certain models of formation may be instrumental in inculcating a culture of clericalism. We recommended that the ACBC and Catholic Religious Australia conduct a national review of current models of initial formation.

Oversight, support and ongoing training of people in ministry

It is apparent that Catholic clergy and religious have not received adequate training in relation to professional responsibility, the maintenance of healthy boundaries, and ministerial and professional ethics. It is clear that inadequate preparation for ministry, loneliness, social isolation, and personal distress related to the difficulties of celibacy, have contributed to the sexual abuse of children.

Processes for the management and oversight of clergy and religious in their working ministry have been poor. Bishops and religious superiors have limited capacity to personally oversee the activities of clergy or religious, and, especially within dioceses, 'middle management' structures have been inadequate. We heard that there has been a view, particularly on the part of some Catholic clergy, that following ordination they do not need ongoing training. We heard that the Catholic Church in Australia has developed a code of conduct for clergy and religious that includes standards in relation to professional development, professional supervision and appraisal. And we heard of the establishment of a new national professional standards body.

However, we also heard that most clergy do not fully comply with ongoing formation activities. Improved and updated policies and practices in relation to the oversight, support and ongoing training of all people in religious and pastoral ministry in the Catholic Church are essential to reducing the risk of child sexual abuse and ensuring better institutional responses to abuse.

We recommended the development and implementation of mandatory national standards to ensure that all people in religious or pastoral ministry in the Catholic Church in Australia undertake regular professional development, undertake professional/pastoral supervision and undergo regular performance appraisals.

We also heard that specialised programs for the screening, induction, and professional support and supervision of priests and religious recruited from overseas are inadequate. We recommended the creation of targeted programs for these purposes. I believe this is an urgent priority.

Sacrament of reconciliation (confession)

We were satisfied that the practice of the sacrament of reconciliation (confession) contributed to both the occurrence of child sexual abuse in the Catholic Church and to inadequate institutional responses to abuse. We heard in case studies and private sessions that disclosures of child sexual abuse by perpetrators or victims during confession were not reported to civil authorities or

otherwise acted on. We heard that the sacrament is based in a theology of sin and forgiveness, and that some Catholic Church leaders have viewed child sexual abuse as a sin to be dealt with through private absolution and penance rather than as a crime to be reported to police. The sacrament of reconciliation enabled perpetrators to resolve their sense of guilt without fear of being reported. In some cases we heard that children experienced sexual abuse perpetrated by Catholic priests in confessionals.

We recommended that any religious institution with a rite of religious confession implement a policy that confession for children be conducted in an open space and in a clear line of sight of another adult.

Whilst the Church has a profound commitment to maintaining the confessional seal in the Commission's view we believe that the protection of children must be paramount. There is a clear conflict that confronts the Church that cannot be resolved by the mantra that the seal of confession is sacrosanct – end of discussion. The protection of children is an equally sacred obligation of the Church as demonstrated by Christ in the Gospels. Because of the high risk of recidivism, even by those who confess, we recommended that there should be no exemption to obligations to report under mandatory reporting laws or the proposed 'failure to report' offence in circumstances where knowledge or suspicions of child sexual abuse are formed on the basis of information received in or in connection with a religious confession.

During our public hearings on the Catholic Church, it emerged that Catholic leaders were unclear about whether information received from a child during the sacrament of reconciliation that they had been sexually abused would be covered by the seal of confession.

Contemporary risks

There are many contemporary risks within all institutions including the Catholic and other churches. Some are directly related to the vulnerabilities of the child or the particular institutional setting. For religious institutions I believe they fall into three main areas.

- Complacency by many or more troubling wilful ignorance by a few, especially in influential roles, could derail efforts to 'put right that which was wrong' and to make the necessary reforms to create truly healthy and safe religious institutions. Resistance to change is always a given but the interests of children and responding to the truth of what has been uncovered compels decisive action at all levels of religious institutions.
- Second, children within very traditional or devout communities or ethnically based communities which have not yet been open to a conversation about sex and abuse, and believe such matters should be dealt with, within the community, may well be at some risk. This is despite every such community being committed to the safety of their children. I note that some ethnic communities and churches are moving forward tentatively on what is a difficult journey and this is to be encouraged. Closed institutional settings do present higher risk environments for children especially where they lack the protective factors outlined in the Commission's report.

- Third, with respect to religious personnel, contemporary risks include a failure to address the unhealthy use of ministerial status and power, including clericalism, the inadequate vetting, training and supervision of overseas personnel and a failure to improve governance, leadership and cultural issues.

Of course whilst child sexual abuse may have reduced in institutions, it does continue to occur and vigilance will always be necessary. All children are potentially at risk, some more than others.

What next for the Catholic Church in Australia?

My personal views and hopes are based on what I have heard. There is enormous pain in many parts of the Catholic Church. For clergy and religious the revelation that some of their colleagues abused children is almost overwhelming. For lay people the fact that trusted priests, religious and lay leaders, often friends and mentors, have offended against children has been devastating. For many parents the failure of their fellow parishioners to believe them and their children is deeply wounding.

The hurt of such betrayals runs deep. For many it is like a grieving process. The church they once knew and loved has been exposed as being deeply flawed. Leaders who they had every right to trust failed them as well as those abused. Some clergy and religious feel their vocation is less valued and the important works of the past and the great good that they did has been diminished. Many are unsure as to how to interact with children and feel constrained in carrying out their ministries.

For the laity the well-recognised failings of the church, raised internally by many, have been publicly exposed. Many may feel powerless in the face of a governance model that appears to alienate them or even guilty that they failed to challenge poor governance and practices earlier.

However, as with all grief, whilst the journey is painful great good can follow. The Church needs to enter into a period of healing. This process is one that must engage survivors, clergy, members of religious communities and all the people of God. It must however be founded on the truth revealed.

Too many have been harmed directly or as secondary victims. Too many have suffered as their beliefs in a just and loving church have been damaged. For leaders of religious communities this task of healing may start within but must move outwards, beyond your own organisations. For parishes they must be actively involved in an honest, open and robust conversation that ultimately seeks to heal and reform. A conversation that never ends.

Many in church are well on that journey. Some are yet to be convinced.

You have the capacity to reshape our institutions and the Church at large:

- To create institutions that are genuinely safe for children and which act in the best interests of children.
- To create institutions that are genuinely responsive to the voices of those that have come forward.
- To create a church whose governance and leadership is competent, engaged and open to learning and improvement.

- To create an ongoing conversation with the people of God and to invite them into the governance and leadership of the Church.
- To create a church more truthful, transparent and accountable to the faithful and the community at large.
- To create a church in which the community's trust can be restored.
- To create a church authentically based on the Gospels and the revelations of Jesus Christ – one that seeks to heal not to hurt.
- To create a church that loves, that acts justly and that walks humbly in the presence of God and each other.

The Commission's recommendations are many. Many are directed at institutions generally such as mandatory child safe standards, changes to criminal and civil laws and reportable conduct regimes. Many of these if adopted by government will compel compliance by institutions.

Some recommendations are directed at institutional types such as schools, out of home care, sport and recreation clubs etc.

Yet some are targeted at religious institutions generally and then some specifically to particular churches including the Catholic Church.

Some can be adopted immediately, others will take time. Yet, they do provide a blueprint for going forward. They need your deep consideration. They call for your courage and commitment. They will demand a steadfastness in their implementation. They will require resourcing, good processes and openness to the possibility of real reform.

I acknowledge that some in the church have worked tirelessly for victims and survivors. Others have worked to bring about much needed reforms. I acknowledge important initiatives by the Church including the formation of Catholic Professional Standards Limited, the appointment of an Implementation Advisory Group to advise the Bishops on their response and intensive work within many religious orders and ministries. I wish these initiatives success notwithstanding the ever present opposition by some – but those initiatives will only succeed if the body of the church, the people of God, is engaged in an open, ongoing dialogue and engaged in the necessary reforms that must follow. I hope that Plenary 2020 is a constructive part of that process.

Most importantly we need a Church that opens its heart to those already abused. Whether they ever seek to connect with our Church is not the issue. The question is whether we are open to that encounter.

Now is the time for healing for those within and outside Church. Yet this healing must be one based on an acknowledgement of what has happened and what has been revealed, acceptance of responsibility, redress for those wronged and a steadfast commitment to reform in order to create a healthy, safe and loving Church.

Robert Fitzgerald AM

Some questions to consider:

- Whose voice will we listen to and embrace?
- Do we accept the evidence or truth of what has been found and the need for reform?
- Do we better understand why we failed to be a church of love, justice and humility?
- How do we create an open, honest and sustained conversation at all levels of Church including parish and in all its ministries- a conversation that informs, engages, heals and reforms?
- How do we engage children in this conversation?
- Are our governance structures a hindrance or a help in creating a child safe institution? What needs to change to engage and empower the whole of the people of God in creating and maintaining a healthy and safe church?
- How do clergy and lay work together as one in creating such a culture leading to healthy and safe church?
- Does our Church culture and do our practices promote acting in the best interest of children and vulnerable people? How do we improve Church culture and practices to ensure we respond justly to those abused?
- What do we need to do to ensure our clergy, religious, staff and volunteers are properly selected, formed, trained, supervised and professionally developed?
- How do we guard against the rise of unhealthy clericalism?
- How can we influence the Church leadership in all areas of church life to embrace a new future based on honesty, transparency, accountability, responsiveness, compassion and humility?
- How do we create a culture in Church that seeks healing for those within and with those affected by the failures of Church?

Recommendations made by the Royal Commission to the Catholic Church:

Recommendation 16.6

The bishop of each Catholic Church diocese in Australia should ensure that parish priests are not the employers of principals and teachers in Catholic schools.

Recommendation 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.

Recommendation 16.8

In the interests of child safety and improved institutional responses to child sexual abuse, the Australian Catholic Bishops Conference should request the Holy See to:

- a. publish criteria for the selection of bishops, including relating to the promotion of child safety
- b. establish a transparent process for appointing bishops which includes the direct participation of lay people.

Recommendation 16.9

The Australian Catholic Bishops Conference should request the Holy See to amend the 1983 Code of Canon Law to create a new canon or series of canons specifically relating to child sexual abuse, as follows:

- a. All delicts relating to child sexual abuse should be articulated as canonical crimes against the child, not as moral failings or as breaches of the ‘special obligation’ of clerics and religious to observe celibacy.
- b. All delicts relating to child sexual abuse should apply to any person holding a ‘dignity, office or responsibility in the Church’ regardless of whether they are ordained or not ordained.
- c. In relation to the acquisition, possession, or distribution of pornographic images, the delict (currently contained in Article 6 §2 1° of the revised 2010 norms attached to the motu proprio *Sacramentorum sanctitatis tutela*) should be amended to refer to minors under the age of 18, not minors under the age of 14.

Recommendation 16.10

The Australian Catholic Bishops Conference should request the Holy See to amend canon law so that the pontifical secret does not apply to any aspect of allegations or canonical disciplinary processes relating to child sexual abuse.

Recommendation 16.11

The Australian Catholic Bishops Conference should request the Holy See to amend canon law to ensure that the ‘pastoral approach’ is not an essential precondition to the commencement of canonical action relating to child sexual abuse.

Recommendation 16.12

The Australian Catholic Bishops Conference should request the Holy See to amend canon law to remove the time limit (prescription) for commencement of canonical actions relating to child sexual abuse. This amendment should apply retrospectively.

Recommendation 16.13

The Australian Catholic Bishops Conference should request the Holy See to amend the ‘imputability’ test in canon law so that a diagnosis of paedophilia is not relevant to the prosecution of or penalty for a canonical offence relating to child sexual abuse.

Recommendation 16.14

The Australian Catholic Bishops Conference should request the Holy See to amend canon law to give effect to Recommendations 16.55 and 16.56.

Recommendation 16.15

The Australian Catholic Bishops Conference and Catholic Religious Australia, in consultation with the Holy See, should consider establishing an Australian tribunal for trying canonical disciplinary cases against clergy, whose decisions could be appealed to the Apostolic Signatura in the usual way.

Recommendation 16.16

The Australian Catholic Bishops Conference should request the Holy See to introduce measures to ensure that Vatican Congregations and canonical appeal courts always publish decisions in disciplinary matters relating to child sexual abuse, and provide written reasons for their decisions. Publication should occur in a timely manner. In some cases it may be appropriate to suppress information that might lead to the identification of a victim.

Recommendation 16.17

The Australian Catholic Bishops Conference should request the Holy See to amend canon law to remove the requirement to destroy documents relating to canonical criminal cases in matters of morals, where the accused cleric has died or ten years have elapsed from the condemnatory sentence. In order to allow for delayed disclosure of abuse by victims and to take account of the limitation periods for civil actions for child sexual abuse, the minimum requirement for retention of records in the secret archives should be at least 45 years.

Recommendation 16.18

The Australian Catholic Bishops Conference should request the Holy See to consider introducing voluntary celibacy for diocesan clergy.

Recommendation 16.19

All Catholic religious institutes in Australia, in consultation with their international leadership and the Holy See as required, should implement measures to address the risks of harm to children and the potential psychological and sexual dysfunction associated with a celibate rule of religious life. This should include consideration of whether and how existing models of religious life could be modified to facilitate alternative forms of association, shorter terms of celibate commitment, and/or voluntary celibacy (where that is consistent with the form of association that has been chosen).

Recommendation 16.20

In order to promote healthy lives for those who choose to be celibate, the Australian Catholic Bishops Conference and all Catholic religious institutes in Australia should further develop, regularly evaluate and continually improve, their processes for selecting, screening and training of candidates for the clergy and religious life, and their processes of ongoing formation, support and supervision of clergy and religious.

Recommendation 16.21

The Australian Catholic Bishops Conference and Catholic Religious Australia should establish a national protocol for screening candidates before and during seminary or religious formation, as well as before ordination or the profession of religious vows.

Recommendation 16.22

The Australian Catholic Bishops Conference and Catholic Religious Australia should establish a mechanism to ensure that diocesan bishops and religious superiors draw upon broad-ranging professional advice in their decision-making, including from staff from seminaries or houses of formation, psychologists, senior clergy and religious, and lay people, in relation to the admission of individuals to:

- a. seminaries and houses of religious formation
- b. ordination and/or profession of vows.

Recommendation 16.23

In relation to guideline documents for the formation of priests and religious:

- a. The Australian Catholic Bishops Conference should review and revise the *Ratio nationalis institutionis sacerdotalis: Programme for priestly formation* (current version December 2015), and all other guideline documents relating to the formation of priests, permanent deacons, and those in pastoral ministry, to explicitly address the issue of child sexual abuse by clergy and best practice in relation to its prevention.

b. All Catholic religious institutes in Australia should review and revise their particular norms and guideline documents relating to the formation of priests, religious brothers, and religious sisters, to explicitly address the issue of child sexual abuse and best practice in relation to its prevention.

Recommendation 16.24

The Australian Catholic Bishops Conference and Catholic Religious Australia should conduct a national review of current models of initial formation to ensure that they promote pastoral effectiveness, (including in relation to child safety and pastoral responses to victims and survivors) and protect against the development of clericalist attitudes.

Recommendation 16.25

The Australian Catholic Bishops Conference and Catholic Religious Australia should develop and each diocese and religious institute should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, provincials, clergy, religious, and lay personnel):

- a. undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry, and child safety
- b. undertake mandatory professional/pastoral supervision
- c. undergo regular performance appraisals.

Recommendation 16.26

The Australian Catholic Bishops Conference should consult with the Holy See, and make public any advice received, in order to clarify whether:

- a. information received from a child during the sacrament of reconciliation that they have been sexually abused is covered by the seal of confession
- b. if a person confesses during the sacrament of reconciliation to perpetrating child sexual abuse, absolution can and should be withheld until they report themselves to civil authorities.

Recommendations of the Royal Commission to all religious institutions in Australia:

Recommendation 16.31

All institutions that provide activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, should implement the 10 Child Safe Standards identified by the Royal Commission.

Recommendation 16.32

Religious organisations should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions.

Recommendation 16.33

Religious organisations should drive a consistent approach to the implementation of the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.

Recommendation 16.34

Religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.

Recommendation 16.35

Religious institutions in highly regulated sectors, such as schools and out-of-home care service providers, should report their compliance with the Royal Commission's 10 Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation to which they are affiliated.

Recommendation 16.36

Consistent with Child Safe Standard 1, each religious institution in Australia should ensure that its religious leaders are provided with leadership training both pre- and post-appointment, including in relation to the promotion of child safety.

Recommendation 16.37

Consistent with Child Safe Standard 1, leaders of religious institutions should ensure that there are mechanisms through which they receive advice from individuals with relevant professional expertise on all matters relating to child sexual abuse and child safety. This should include in relation to prevention, policies and procedures and complaint handling. These mechanisms should facilitate advice from people with a variety of professional backgrounds and include lay men and women.

Recommendation 16.38

Consistent with Child Safe Standard 1, each religious institution should ensure that religious leaders are accountable to an appropriate authority or body, such as a board of management or council, for the decisions they make with respect to child safety.

Recommendation 16.39

Consistent with Child Safe Standard 1, each religious institution should have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse. The policy should cover all individuals who have a role in responding to complaints of child sexual abuse.

Recommendation 16.40

Consistent with Child Safe Standard 2, wherever a religious institution has children in its care, those children should be provided with age-appropriate prevention education that aims to increase their knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. Prevention education in religious institutions should specifically address the power and status of people in religious ministry and educate children that no one has a right to invade their privacy and make them feel unsafe.

Recommendation 16.41

Consistent with Child Safe Standard 3, each religious institution should make provision for family and community involvement by publishing all policies relevant to child safety on its website, providing opportunities for comment on its approach to child safety, and seeking periodic feedback about the effectiveness of its approach to child safety.

Recommendation 16.42

Consistent with Child Safe Standard 5, each religious institution should require that candidates for religious ministry undergo external psychological testing, including psycho-sexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children.

Recommendation 16.43

Each religious institution should ensure that candidates for religious ministry undertake minimum training on child safety and related matters, including training that:

- a. equips candidates with an understanding of the Royal Commission's 10 Child Safe Standards
- b. educates candidates on:
 - i. professional responsibility and boundaries, ethics in ministry and child safety
 - ii. policies regarding appropriate responses to allegations or complaints of child sexual abuse, and how to implement these policies
 - iii. how to work with children, including childhood development
 - iv. identifying and understanding the nature, indicators and impacts of child sexual abuse.

Recommendation 16.44

Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, are subject to effective management and oversight and undertake annual performance appraisals.

Recommendation 16.45

Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.

Recommendation 16.46

Religious institutions which receive people from overseas to work in religious or pastoral ministry, or otherwise within their institution, should have targeted programs for the screening, initial training and professional supervision and development of those people. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety.

Recommendation 16.47

Consistent with Child Safe Standard 7, each religious institution should require that all people in religious or pastoral ministry, including religious leaders, undertake regular training on the institution's child safe policies and procedures. They should also be provided with opportunities for external training on best practice approaches to child safety.

Recommendation 16.48

Religious institutions which have a rite of religious confession for children should implement a policy that requires the rite only be conducted in an open space within the clear line of sight of another adult. The policy should specify that, if another adult is not available, the rite of religious confession for the child should not be performed.

Recommendation 16.49

Codes of conduct in religious institutions should explicitly and equally apply to people in religious ministry and to lay people.

Recommendation 16.50

Consistent with Child Safe Standard 7, each religious institution should require all people in religious ministry, leaders, members of boards, councils and other governing bodies, employees, relevant contractors and volunteers to undergo initial and periodic training on its code of conduct. This training should include:

- a. what kinds of allegations or complaints relating to child sexual abuse should be reported and to whom
- b. identifying inappropriate behaviour which may be a precursor to abuse, including grooming
- c. recognising physical and behavioural indicators of child sexual abuse
- d. that all complaints relating to child sexual abuse must be taken seriously, regardless of the perceived severity of the behaviour.

Recommendation 16.51

All religious institutions' complaint handling policies should require that, upon receiving a complaint of child sexual abuse, an initial risk assessment is conducted to identify and minimise any risks to children.

Recommendation 16.52

All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.

Recommendation 16.53

The standard of proof that a religious institution should apply when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*.

Recommendation 16.54

Religious institutions should apply the same standards for investigating complaints of child sexual abuse whether or not the subject of the complaint is a person in religious ministry.

Recommendation 16.55

Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*, or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from in any way holding himself or herself out as being a person with religious authority.

Recommendation 16.56

Any person in religious ministry who is convicted of an offence relating to child sexual abuse should:

- a. in the case of Catholic priests and religious, be dismissed from the priesthood and/or dispensed from his or her vows as a religious
- b. in the case of Anglican clergy, be deposed from holy orders
- c. in the case of Uniting Church ministers, have his or her recognition as a minister withdrawn
- d. in the case of an ordained person in any other religious denomination that has a concept of ordination, holy orders and/or vows, be dismissed, deposed or otherwise effectively have their religious status removed.

Recommendation 16.57

Where a religious institution becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the religious institution should:

- a. assess the level of risk posed to children by that perpetrator's ongoing involvement in the religious community
- b. take appropriate steps to manage that risk.

Recommendation 16.58

Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.