



Update on the Royal Commission of Inquiry into Sexual Abuse

15 November 2012

Cardinal welcomes Royal Commission

As you would be aware, the Cardinal recently joined with all the Bishops in welcoming the announcement by Prime Minister Julia Gillard of a Royal Commission into institutional responses to instances of child sexual abuse.

The scope of the inquiry will extend to the response to the problem of child sexual abuse not only in the context of the Catholic Church but also in other religious organisations, not-for-profits and government organisations. There will be consultation with victims and institutions regarding terms of reference which are anticipated to be finalised by the end of the year.

On Tuesday, after numerous requests, the Cardinal hosted an extended media conference.

The Cardinal welcomed the opportunity of the Royal Commission to help victims, to clear the air and to separate fact from fiction.

In the media conference and in statements subsequently, the Cardinal made the following key points:

- Victims have an absolute entitlement to justice and he is pleased that victims and victims' groups have welcomed the Royal Commission.
- The Catholic Church in Australia has been serious in attempting to eradicate the enormously painful and important problem of sexual abuse, particularly since the national Towards Healing procedures were adopted in 1996. Unfortunately, the Church has been unable to convince all the public of this commitment or how effective we have been.
- In an attempt to make its response clear to all, the Archdiocese has recently published its procedures for responding to sexual abuse and these procedures have been met with wide approval (both within the Church and externally). A copy is available at: www.sydneycatholic.org. A Royal Commission is an opportunity to have these procedures of the Archdiocese and broader Church assessed. Any recommended improvements to Towards Healing and other Church procedures will be welcomed.
- As has been often reported, the Cardinal did not consider an inquiry restricted to the Catholic Church, proposed by some, to be appropriate – because there is no evidence to suggest this terrible problem is restricted to the Catholic Church. He welcomed the fact that the Commission will consider the problem more broadly as it has occurred in institutions across Australian society.

- The Cardinal explained he was not in any way seeking to deny the extent of wrongdoing in the Catholic Church but he objected to it being exaggerated with the Catholic Church being considered to be the only organisation where such abuse has occurred – the “only cab in the rank”.
- The Cardinal calls for the New South Wales authorities to confirm (or otherwise) the accuracy of the statistics which appeared in the media on Wednesday, 14 November on the number of cases of child abuse dealt with by the police each year and the number of prosecutions. This should assist all to better understand in which institutions such conduct is occurring, and whether the cases that are being dealt with concern historical abuse or more recent cases. It would be very helpful to know how many offences by Catholic clergy have been dealt with by the authorities since the new procedures were introduced in 1996.
- The Cardinal has raised the issue of whether the police may need additional resources. He hopes the focus on historical offences, as important as it is, has not diverted resources from investigations of current offences.
- The Cardinal said that smearing, intentional or unintentional, is to be rejected. Generalised statements about “cover ups” and moving people around are misleading. This may have occurred at some places and at some times but it is untrue to suggest this practice is widespread and regularly occurring – it is, in fact, totally against the Towards Healing procedures. Any specific evidence of such wrongdoing should be brought to the attention of the police to be investigated.
- The Archdiocese of Sydney does not require complainants to enter into deeds of release (unless they wish to do so for personal reasons). Any deeds of release that have been used (for instance, if legal proceedings are settled) do not silence victims from telling their stories of abuse.
- Debate on the seal of confession is a diversion given the immense problems the community confronts.
- Church teaching is clear. The seal of confession has been explicitly inviolable for more than a thousand years.
- The law of the land is also clear. Section 116 of the Australian Constitution protects religious freedom. This separation of Church and State provides an essential protection for religious communities from Government interference in questions of belief and religious discipline and practice.
- In addition, confessional privilege is not “medieval” or “abhorrent”, it is, in fact, specifically recognised in Section 127 of the 1995 Commonwealth *Evidence Act*. In a similar way to the protections from disclosure available for clients in respect of their communications with their lawyers, this Act protects a member of the clergy from being forced to divulge details revealed in a religious confession and even the fact that a confession has been heard.

- As Archbishop, the Cardinal does not hear the confessions of his priests (except in an emergency), just as the Rector of a seminary is forbidden to hear the confessions of his seminarians. A priest who suspects the sacrament of penance will be abused by the penitent should not hear such a confession. Any absolution is dependent on genuine personal repentance, a commitment to suitable restitution and a firm “purpose of amendment” to sin no more.
- In response to an enquiry from the media, the Cardinal explained that, as Archbishop of Sydney, his authority is limited to the Archdiocese and his position of Cardinal, while it affords moral authority, does not extend his authority beyond Sydney. As such, where there is misconduct in another diocese or in a religious order, it is a matter for the relevant bishop or provincial to address. Notwithstanding this, if allegations come to the attention of the Cardinal, they are referred to the Professional Standards Office to be notified to the police, as well as being referred to the appropriate Church authority to be addressed.
- The Cardinal and the Archdiocese will cooperate fully with the Royal Commission and the Cardinal will, of course, give evidence if asked to do so.
- In light of the upcoming Royal Commission an Archdiocesan spokesperson will respond as appropriate, but sparingly.

Further updates on the Royal Commission will be provided from time to time. Details will always be available on the Archdiocesan website www.sydneycatholic.org.

In the meantime, if you require any further information please contact our communications team at info@sydneycatholic.org.