

Royal Commission into Institutional Responses to Child Sexual Abuse: Case Study 50

8 February 2017

The third day of the Royal Commission's Catholic "wrap up" hearing was held today in Sydney. The Commission today heard from Archbishop Mark Coleridge, Professor Patrick Parkinson, Dr Maureen Patricia Cleary OAM, Peter Johnstone OAM and Father (Dr) Gerry O'Hanlon SJ.

Today's update will be slightly different to the previous two days. Because the Commission's questions seemed to move around a number of themes, it seems to be more logical to provide an analysis of the key topics discussed rather than a summary of the proceedings in chronological order.

Background of the witnesses

Dr Cleary has extensive experience as a governance consultant in Church and not-for-profit organisations.

Professor Parkinson is Professor of Law at Sydney University, has consulted on child protection legislation and wrote *Child Sexual Abuse in the Churches*.

Mr Johnstone is the President of Catholics for Renewal.

Archbishop Mark Coleridge is the Archbishop of Brisbane.

Father O'Hanlon is the Adjunct Professor of Theology at Loyola College, Dublin.

Structure and governance

The main issue discussed in today's proceedings was that of the structure and governance of the Church.

Dr Cleary made the point that when the Commission speaks of the "Church," it is referring to what we see as the "institutional Church," but commented that there are many other diverse agencies and operations which make up the Church, each with different governance structures.

She said that there has been significant lay leadership in the Church for the last 40 years or so, because laypeople were brought in by religious institutes which realised that their numbers were declining and wanted to see their good works carried on. She said that laypeople are not "increasingly" leading the Church, but have been for decades.

She spoke of the reluctance of lay people to offer their skills in assisting on Church advisory boards because they would not have the same level of governance as they would in a secular charity (because of the deference to the Bishop.)

Professor Parkinson said that the hierarchical, monarchical structure of the Church affects not only its response to child abuse, but considered it a causative factor because so much is dependent on the capacity of an individual leader. He suggested a model like he saw in an Anglican Church where a Bishop voluntarily submits himself to the authority of a group of elders.

Mr Johnstone spoke largely about the lack of consultation with the laity, especially women, and suggested that excluding this range of voices contributed to child sexual abuse.

Archbishop Coleridge said that the Church was obliged to find ways in which women can exercise leadership at the highest levels, and noted his preference for employing women in senior roles where he could.

He also spoke at length about the unusual situation of the Church in that it is an unusual mix of centralised and decentralised authority. On the one hand, there is a hierarchical, central structure which leads up to the Pope, but that there are also a range of religious institutes, agencies, charitable and social works which are often left to their own management.

Father O'Hanlon spoke of an unhealthy, top-down model of leadership which returned in the Pontificate of Saint John Paul II, which he said contributed to a poor response on child sexual abuse because people were afraid to raise unpopular ideas on any issue, but mainly in relation to sexual morality.

Separation of Church and State

There was some discussion of how the Royal Commission might recommend changes to the Church, given a general reluctance for the State to interfere with the operations of the Church. Professor Parkinson said that while the Church is a voluntary society and so had some independence from the law, he believed it should be subject to greater regulation given the public funding provided to it. He proposed that laws such as the expansion of mandatory reporting to all states, replicating the role of the NSW Ombudsman regarding child protection issues across Australia, and requiring Church entities to incorporate.

Incorporation

This led to a conversation about the incorporation of Church entities.

Dr Cleary said that incorporation assisted good governance because it meant that directors had legal, fiduciary duties, and so people serving on boards had their legal obligations at the front of their mind. Dr Cleary said that the entity which was incorporated would have to comply with Canon Law, but Justice McClellan dismissed this, suggesting that Canon Law would need to respond to the Commission's recommendations.

Archbishop Coleridge said he was interested in the incorporation idea (albeit not too familiar with it), but in principle favoured structures and strategies which could produce cultural change, provided they fit with Church law and the Bishop exercising his role of pastoral oversight.

Supervision and support of clergy

Archbishop Coleridge outlined the ways in which Priests had some type of supervision and support, from younger clergy living with another Priest in the early years of their Priesthood, to the role of the Vicar for Clergy, a person dedicated to Priestly life and ministry, a clergy support office, the role of Auxiliary Bishops and then ultimately himself.

This led to a discussion about whether a model could be introduced whereby Priests would be employees, either of the Diocese or their parish. Archbishop Coleridge said that he was open to considering any option which could work within the law of the Church, but thought it might have unintended consequences. Commissioner McClellan challenged the idea of “unintended consequences,” saying that it worked quite well in corporate structures.

Dr Cleary reminded the Commission that there was a difference between a person taking up a job and giving their life to the Church. She said that the Church didn’t need to replicate a big, corporate structure, but could learn from multinational non-profit organisations like Medicens Sans Frontiers.

Justice McClellan concluded the discussion by saying that it was within the terms of reference of the Royal Commission to make recommendations as to the way the Church is managing its own people so that the process made it as safe as possible for children.

Celibacy

Professor Parkinson said that he believed mandatory celibacy combined with emotional isolation was causative of abuse, saying that the onus was on the Church to prove otherwise.

Archbishop Coleridge said that he did not believe celibacy was a factor, but was happy to discuss it. He rejected that celibacy was impossible (it was not like sleep or food), or that it necessarily led to emotional loneliness.

He explained celibacy as a “blank cheque” which he signed, saying that he might not have understood he was signing it at the time, but that he freely chose without realising the implications. In this, he likened it to marriage, saying that a person grows into their “yes” more deeply as time goes on.

Justice McClellan asked if Archbishop Coleridge agreed with the statistic presented by Father Tom Doyle that more than 50% of clergy don’t live a celibate life. Archbishop Coleridge said he was not naive enough to think that most clergy live a strictly celibate life, that the statistic might be right, but he would be surprised if it was that high.

Justice McClellan asked whether in his role, Archbishop Coleridge should be aware of whether Priests are experiencing celibacy in the same way Archbishop Coleridge described, to which Archbishop Coleridge responded that he could not be expected to know the details of the sexual behaviour of clergy. Justice McClellan commented that this indicated a failure of management of clergy, but Archbishop Coleridge said that he had no right to intrude on such matters unless they became public.

He said that a counsellor, spiritual director or confessor might discover this, but that the Bishop would only intervene once the information was outside the sphere of the personal.

There was significant back and forth on this issue.

The Commission will continue tomorrow, with discussions on discipline, secrecy and confession.