

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

16 February 2017

The ninth day of the Royal Commission's Catholic "wrap up" hearing was held today in Sydney.

At the beginning of today's hearing, Senior Counsel assisting the Royal Commission, Gail Furness SC, introduced a report which analyses the data presented last week regarding the claims made against Catholic clergy, religious and lay staff. Following this, there were panels on Catholic education and safeguarding. These will all be dealt with separately.

Claims against Church authorities: data analysis

Ms Furness began by saying that because of barriers to reporting, the incidents of child sexual abuse in the Church is likely greater than the numbers presented last week. She also provided some additional information, such as:

- A clarification that although the data included was from reports received between 1980 and 2015, the alleged incidents dated back to the 1920s, with the vast majority of claims occurring between 1950 and 1989;
- Of the 3066 claims where compensation had been sought, 2854 had monetary compensation paid with a significant number of claims still ongoing; and
- Overall, \$276.1 million has been paid out, with an average of \$91,000 per claim.

Ms Furness defended the use of the "weighted average method" of statistical analysis which was used by the Commission in reporting the data, saying that it was the most appropriate method of analysis. This results of this analysis meant that:

- higher numbers were reported where the average time alleged perpetrators stayed in ministry was longer than the average ministry across the board; and
- lower numbers were reported when the average time offenders were in ministry was shorter than the average across the board.

Background of witnesses: Education panel

Dr Tim McDonald is the Executive Director of the Catholic Education Office, WA.

Peter Hill is the Director of Employee Services at the Archdiocese of Brisbane Catholic Education.

Stephen Elder is the Executive Director of the Catholic Education Office, Melbourne and the Executive Director of the Catholic Education Commission of Victoria. He is also a member of the Truth, Justice and Healing Council.

John Crowley is the Principal of St Patrick's College, Ballarat.

Policies and procedures

All witnesses were asked similar questions relating to the safeguarding and child protection procedures in place in their schools. They detailed the protocols in place and the reporting requirements that are required of them due to legislation, funding agreements with the relevant

government, licensing requirements from regulatory bodies and additional ones required by the Catholic Education Offices or similar bodies. They also spoke about the changes which had been made to school policies since the Royal Commission was announced.

Each witness also spoke about the complaint handling procedures employed by their schools, including where the matter was “non reportable” under legislation but was otherwise considered an incident by the school.

There was also a discussion about how the schools deal with sexual misconduct where both perpetrator and victim are children.

Involvement of clergy and religious in the schools

Each witness was asked about the number of Priests and religious who were formally involved in their schools (as teachers, Principals, pastoral care workers and the like), as well as the role played by the parish Priest in a parish school. Aside from about half a dozen religious brothers who acted as school principals, and some religious sisters who operate mainly as pastoral care workers in the schools, there was very little involvement of Priests or religious in school life.

Witnesses were also asked about how confessions are heard in their schools. For those where specific protocols were in place, confessions were usually heard in an open, visible area (such as the sanctuary of the Church.)

The appropriateness of the Parish Priest being the employer

Mr Elder was asked about the situation in Victoria, which has the (possibly unique) situation where the parish Priest is also the named employer of the Principal and teachers at the school.

It was suggested that this was inappropriate, either because a Priest would lack competence to run a school, or because it could give rise to problems similar to what occurred with Father Peter Searson at Holy Family Primary School, Doveton. Father Searson was an abusive Priest who also had a volatile relationship with parents and staff. Despite complaints about his behaviour, he was not removed from the school by then- Archbishop Frank Little, and continued at the parish for 11 years after a complaint was made. [Father Searson was removed from ministry after Cardinal George Pell became Archbishop of Melbourne.]

In response to the question of competence, Mr Elder pointed out that most Priests were university educated and were advised and supported by the education officials in their school and diocese. He also noted that the last three secretaries for the Department of Education had backgrounds in economics, mechanical engineering and social work (ie, not in education) and so the suggestion that a person who had studied a different discipline was incompetent was not founded.

In response to the Father Searson scenario, Mr Elder detailed the changes which had occurred since Searson’s time (the 1980s.) He noted that mandatory reporting is now required, schools are licensed by the state which provides additional oversight, childsafe standards and student wellbeing officers have been introduced into schools, Fair Work Australia had been established to support employees unfairly targeted by an employer, and a revision of CEO procedures whereby investigations into misconduct are conducted by qualified persons (eg police officers) and not

teachers. He also mentioned that there was a big cultural shift where Priests are no longer placed on the same pedestal as they previously might.

He said that a Priest is treated no differently to other non-school employees who might be on the grounds, including contractors, teachers aids, parents and other volunteers.

Justice McClellan questioned whether there was any justification which would have a Priest as the head of a school. Mr Elder said that the critical issue was not the governance structure of the school, but the common reporting and licensing obligations which applied irrespective of the structure.

St Patrick's College, Ballarat

Mr Crowe spoke about the measures put in place in St Patrick's College, Ballarat to address its history of child sexual abuse.

He spoke of an initial meeting with survivors where he was told that "something good" must come of all of the scandal. He detailed initiatives put in place to ensure this happened, which included a public statement issued by the school student leaders (at their own initiative) which expressed horror for the past and committed to walk in solidarity with the survivors. He also spoke of the creation of an alumni network, where ex-students volunteered their services to assist survivors who needed an extra hand. He said that these programs demonstrated that the College is not the same school as it was when the abuse was occurring.

Background to witnesses: safeguarding panel

Mark Eustance is the Director of Professional Standards, Queensland and a former Police officer.

Claire Pirola is the Manager of Safeguarding for the Diocese of Parramatta.

Karen Larkman is the Director of Safeguarding and Ministerial Integrity Office for the Archdiocese of Sydney.

Andrea Musulin is the Safeguarding Project Officer for the Archdiocese of Perth.

Sean Tynan is the Manager of Zimmerman Services in the Diocese of Maitland-Newcastle.

Policies and procedures

Apart from the Professional Standards Office in Queensland, most of the safeguarding offices represented in this panel were relatively new, established either in response to the Royal Commission or other events around the emergence of the sexual abuse scandal.

Each witness detailed the policies and procedures of their office, including their complaint handling procedures and the safeguarding training, advisory services and audit and compliance services provided by their offices.

Independence

There was a discussion held around the independence of the safeguarding offices. A number of the witnesses pointed to the use of external service providers, and the limited reporting lines into Church bodies to demonstrate independence. Mr Tynan told the Commission that he did not believe independence to be a positive thing. He said that Zimmerman Services is able to address not only breaches of the law, but problematic situations and risk areas, because it had a relationship with schools and other agencies by virtue of it being part of the Church. He said that a government agency, such as the Department of Family and Community Services, would not have the same remit in these circumstances.

Challenges faced

A number of the witnesses spoke about the difficulties they experienced in acquiring information from Police.

Ms Larkman gave the example of a Priest who had been stood aside from ministry after a complaint had been made. The Police did not take any action against the Priest after conducting an investigation, but there are no records available to the Archdiocese in relation to the matter to enable a risk assessment. Ms Musulin gave the example of lay sex offenders who have been released from prison and who attend Mass in various parishes. She said that without information from Police, it is near impossible for a risk assessment to be done.

The hearings resume on Monday.