

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

20 February 2017

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

Today's hearing focussed on the newly-established entity, Catholic Professional Standards Limited (**CSPL**), which will set safeguarding standards for dioceses and religious orders across Australia, and audit and publicise compliance with those standards. Today's witnesses were Archbishop Mark Coleridge, who (in addition to being the Archbishop of Brisbane) is a member of the Truth, Justice and Healing Council (**TJHC**), TJHC Chair the Hon. Neville Owen and TJHC CEO, Francis Sullivan.

Background to the TJHC

The TJHC was established by the Australian Catholic Bishops' Conference (**ACBC**) and Catholic Religious Australia (**CRA**) with the intention that it would allow the Church to speak "with one voice" in its dealings with the Royal Commission. Submissions made to the Commission on various issues have been made by the TJHC, on behalf of the Church in Australia. Mr Owen told the Commission that the TJHC will cease after the Royal Commission completes, but will be available to assist CPSL in its initial stages.

Catholic Professional Standards Limited

CPSL is a newly-established entity which will provide a national response to issues of safeguarding by developing, auditing and reporting on compliance with professional standards in relation to children and other vulnerable people.

Mr Owen told the Commission that it was "functionally" independent, although it would be funded by the Church and its board members would be appointed by representatives of the Church entities which make up the members of CPSL.

It is proposed that individual dioceses and religious institutes will enter into binding contracts with CPSL, pursuant to which the relevant diocese or religious order will agree to comply with the standards set by CPSL and submit to audit and public reporting by CPSL. Mr Owen said that he expects all dioceses and religious orders to sign up, because support for the establishment of CPSL was unanimous.

Archbishop Coleridge confirmed that CPSL would be resourced well so that its capabilities would not be restricted or crippled due to a lack of funding. He said that concerns have been expressed about CPSL undermining the 'non-negotiable' principle of Episcopal governance, but that all CPSL was doing was assisting them to exercise the responsibility in which they had so patently failed.

Standards to be set

Mr Owen told the Commission that CPSL would introduce standards which were in harmony with, but in addition to, existing legal and regulatory requirements. He said it was too early to know if the additional standards to be imposed by CPSL would substantially stretch the requirements already in place.

Archbishop Coleridge said that the standards to be set would be ultimately decided by the Board, that the independence of the Board needed to be respected, but expected the standards to include the handling of complaints, preventative measures and education aimed at shifting the culture.

Further, Archbishop Coleridge agreed with Ms Furness that standards could include seminary education, the appointment of parish Priests and other personnel, guidance on disciplinary procedures (provided they comply with Canon law), transparency and record-keeping. Ms Furness also proposed that CPSL could set standards regarding 'diversity in governance,' and Archbishop Coleridge responded by saying that any such standards would need to be specific, and would foster processes already in place to 'broaden the base' of decision-making.

Mr Sullivan told the Commission he hoped that CPSL would include standards around culture, including participation in decision-making and requiring Church authorities to explain their decisions in a way which was open to objective scrutiny. As an example, he said that personnel decisions would be made not only based on canon law, but with the aid of personnel committees.

Ensuring compliance

Mr Owen explained that while CPSL would not have the ability to discipline a Bishop or Provincial for non-compliance, CPSL could publish an adverse audit report as its way of encouraging compliance. Both Mr Owen and Archbishop Coleridge suggested that while dioceses and religious orders would sign contracts with CPSL, individual Priests would likely sign a formal agreement with their Bishop, agreeing to comply with the CPSL protocols, with sanctions such as being stood aside or having their faculties removed if there was a pattern of non-compliance.

Criticisms of CPSL

Senior Counsel assisting the Royal Commission, Gail Furness SC, went through the constitution for CPSL and outlined some concerns.

CPSL's constitution allows the Board to decline to publish an audit report if the information contained in the report has the potential to harm Church contacts (which is broadly defined), or if it was likely to cause confusion or to mislead the public. This was criticised that as being broad enough to allow non-publication for a wide range of reasons, and it was suggested this would undermine confidence in CPSL. Mr Owen acknowledged this, but confirmed that the intention was that CPSL would publicise audit results.

The constitution's guidance that directors should understand and commit to "the philosophy and works of the Church" was criticised as a requirement that only committed Catholics would be Board members, but Mr Owen said this was not the case.

All witnesses confirmed that the CPSL constitution could be changed in light of criticisms made about it.

It was also suggested that, if CPSL provides broad standards and policies which can be adapted for the relevant diocese or institution, it would suffer the same inconsistency of application for which Towards Healing has been criticised.

Redress scheme

Mr Sullivan told the Commission that he had been told by officers from the office of Prime Minister and Cabinet that advice had been received which said that a non-government organisation (like the dioceses and religious orders) would only be able to opt-in to a national redress scheme with the agreement of the relevant state government.

Culture

The hearing wrapped up with a discussion of culture. Mr Sullivan told the Commission that getting change in the Catholic Church is 'heroic,' and so the introduction of CPSL was significant because it would hold Church leaders to account. Archbishop Coleridge described CPSL as a 'glimmer of hope,' which appeared to have set in train changes which he thinks will be unstoppable.

The hearings continue tomorrow.