

# FINAL REPORT

Religious institutions



**Royal Commission**  
into Institutional Responses  
to Child Sexual Abuse

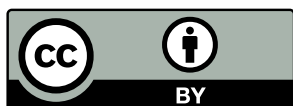
VOLUME 16: BOOK 1

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# FINAL REPORT

Volume 16

Religious institutions

Book 1

## Content warning

This volume contains information about child sexual abuse that may be distressing. We also wish to advise Aboriginal and Torres Strait Islander readers that information in this volume may have been provided by or refer to Aboriginal and Torres Strait Islander people who have died.

# Volume 16

Volume 16, *Religious institutions*, is comprised of three books. The chapters contained in each book are listed below.

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# PART A INTRODUCTION



# Preface

## The Royal Commission

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The Letters Patent provided to the Royal Commission required that it ‘inquire into institutional responses to allegations and incidents of child sexual abuse and related matters’. In carrying out this task, the Royal Commission was directed to focus on systemic issues, be informed by an understanding of individual cases, and make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs. The Royal Commission did this by conducting public hearings, private sessions and a policy and research program.

## Public hearings

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A Royal Commission commonly does its work through public hearings. We were aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission was to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners accepted criteria by which Senior Counsel Assisting would identify appropriate matters for a public hearing and bring them forward as individual ‘case studies’.

The decision to conduct a case study was informed by whether or not the hearing would advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes so that any findings and recommendations for future change the Royal Commission made would have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings were also held to assist in understanding the extent of abuse that may have occurred in particular institutions or types of institutions. This enabled the Royal Commission to understand the ways in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identified a significant concentration of abuse in one institution, the matter could be brought forward to a public hearing.

Public hearings were also held to tell the stories of some individuals, which assisted in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact that it can have on people’s lives. Public hearings were open to the media and the public, and were live streamed on the Royal Commission’s website.

The Commissioners' findings from each hearing were generally set out in a case study report. Each report was submitted to the Governor-General and the governors and administrators of each state and territory and, where appropriate, tabled in the Australian Parliament and made publicly available. The Commissioners recommended some case study reports not be tabled at the time because of current or prospective criminal proceedings.

We also conducted some private hearings, which aided the Royal Commission's investigative processes.

## Private sessions

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When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of sexual abuse as a child in an institutional setting. As a result, the Australian Parliament amended the *Royal Commissions Act 1902* (Cth) to create a process called a 'private session'.

Each private session was conducted by one or two Commissioners and was an opportunity for a person to tell their story of abuse in a protected and supportive environment. Many accounts from these sessions are told in a de-identified form in this Final Report.

Written accounts allowed individuals who did not attend private sessions to share their experiences with Commissioners. The experiences of survivors described to us in written accounts have informed this Final Report in the same manner as those shared with us in private sessions.

We also decided to publish, with their consent, as many individual survivors' experiences as possible, as de-identified narratives drawn from private sessions and written accounts. These narratives are presented as accounts of events as told by survivors of child sexual abuse in institutions. We hope that by sharing them with the public they will contribute to a better understanding of the profound impact of child sexual abuse and may help to make our institutions as safe as possible for children in the future. The narratives are available as an online appendix to Volume 5, *Private sessions*.

We recognise that the information gathered in private sessions and from written accounts captures the accounts of survivors of child sexual abuse who were able to share their experiences in these ways. We do not know how well the experiences of these survivors reflect those of other victims and survivors of child sexual abuse who could not or did not attend a private session or provide a written account.

## Policy and research

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The Royal Commission had an extensive policy and research program that drew upon the findings made in public hearings and upon survivors' private sessions and written accounts, as well as generating new research evidence.

The Royal Commission used issues papers, roundtables and consultation papers to consult with government and non-government representatives, survivors, institutions, regulators, policy and other experts, academics, and survivor advocacy and support groups. The broader community had an opportunity to contribute to our consideration of systemic issues and our responses through our public consultation processes.

## Community engagement

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The community engagement component of the Royal Commission's inquiry ensured that people in all parts of Australia were offered the opportunity to articulate their experiences and views. It raised awareness of our work and allowed a broad range of people to engage with us.

We involved the general community in our work in several ways. We held public forums and private meetings with survivor groups, institutions, community organisations and service providers. We met with children and young people, people with disability and their advocates, and people from culturally and linguistically diverse communities. We also engaged with Aboriginal and Torres Strait Islander peoples in many parts of Australia, and with regional and remote communities.

## Diversity and vulnerability

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We heard from a wide range of people throughout the inquiry. The victims and survivors who came forward were from diverse backgrounds and had many different experiences. Factors such as gender, age, education, culture, sexuality or disability had affected their vulnerability and the institutional responses to the abuse. Certain types of institutional cultures and settings created heightened risks, and some children's lives brought them into contact with these institutions more than others.

While not inevitably more vulnerable to child sexual abuse, we heard that Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds were more likely to encounter circumstances that increased their risk of abuse in institutions, reduced their ability to disclose or report abuse and, if they did disclose or report, reduced their chances of receiving an adequate response.

We examined key concerns related to disability, cultural diversity and the unique context of Aboriginal and Torres Strait Islander experience, as part of our broader effort to understand what informs best practice institutional responses. We included discussion about these and other issues of heightened vulnerability in every volume. Volume 5, *Private sessions* outlines what we heard in private sessions from these specific populations.

## Our interim and other reports

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On 30 June 2014, in line with our Terms of Reference, we submitted a two-volume interim report of the results of the inquiry. Volume 1 described the work we had done, the issues we were examining and the work we still needed to do. Volume 2 contained a representative sample of 150 de-identified personal stories from people who had shared their experiences at a private session.

Early in the inquiry it became apparent that some issues should be reported on before the inquiry was complete to give survivors and institutions more certainty on these issues and enable governments and institutions to implement our recommendations as soon as possible. Consequently, we submitted the following reports:

- *Working With Children Checks* (August 2015)
- *Redress and civil litigation* (September 2015)
- *Criminal justice* (August 2017)

## Definition of terms

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The inappropriate use of words to describe child sexual abuse and the people who experience the abuse can have silencing, stigmatising and other harmful effects. Conversely, the appropriate use of words can empower and educate.

For these reasons, we have taken care with the words used in this report. Some key terms used in this volume are set out in Chapter 1, 'The Royal Commission's work on religious institutions', the Glossary for this volume and the Final Report Glossary in Volume 1, *Our inquiry*.



## Naming conventions

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To protect the identity of victims and survivors and their supporters who participated in private sessions, pseudonyms are used. These pseudonyms are indicated by the use of single inverted commas, for example, ‘Roy’.

As in our case study reports, the identities of some witnesses before public hearings and other persons referred to in the proceedings are protected through the use of assigned initials, for example, BZW.

## Structure of the Final Report

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The Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse consists of 17 volumes and an executive summary. To meet the needs of readers with specific interests, each volume can be read in isolation. The volumes contain cross references to enable readers to understand individual volumes in the context of the whole report.

In the Final Report:

The **Executive Summary** summarises the entire report and provides a full list of recommendations.

**Volume 1, *Our inquiry*** introduces the Final Report, describing the establishment, scope and operations of the Royal Commission.

**Volume 2, *Nature and cause*** details the nature and cause of child sexual abuse in institutional contexts. It also describes what is known about the extent of child sexual abuse and the limitations of existing studies. The volume discusses factors that affect the risk of child sexual abuse in institutions and the legal and political changes that have influenced how children have interacted with institutions over time.

**Volume 3, *Impacts*** details the impacts of child sexual abuse in institutional contexts. The volume discusses how impacts can extend beyond survivors, to family members, friends, and whole communities. The volume also outlines the impacts of institutional responses to child sexual abuse.

**Volume 4, *Identifying and disclosing child sexual abuse*** describes what we have learned about survivors’ experiences of disclosing child sexual abuse and about the factors that affect a victim’s decision whether to disclose, when to disclose and who to tell.

**Volume 5, *Private sessions*** provides an analysis of survivors' experiences of child sexual abuse as told to Commissioners during private sessions, structured around four key themes: experiences of abuse; circumstances at the time of the abuse; experiences of disclosure; and impact on wellbeing. It also describes the private sessions model, including how we adapted it to meet the needs of diverse and vulnerable groups.

**Volume 6, *Making institutions child safe*** looks at the role community prevention could play in making communities and institutions child safe, the child safe standards that will make institutions safer for children, and how regulatory oversight and practice could be improved to facilitate the implementation of these standards in institutions. It also examines how to prevent and respond to online sexual abuse in institutions in order to create child safe online environments.

**Volume 7, *Improving institutional responding and reporting*** examines the reporting of child sexual abuse to external government authorities by institutions and their staff and volunteers, and how institutions have responded to complaints of child sexual abuse. It outlines guidance for how institutions should handle complaints, and the need for independent oversight of complaint handling by institutions.

**Volume 8, *Recordkeeping and information sharing*** examines records and recordkeeping by institutions that care for or provide services to children; and information sharing between institutions with responsibilities for children's safety and wellbeing and between those institutions and relevant professionals. It makes recommendations to improve records and recordkeeping practices within institutions and information sharing between key agencies and institutions.

**Volume 9, *Advocacy, support and therapeutic treatment services*** examines what we learned about the advocacy and support and therapeutic treatment service needs of victims and survivors of child sexual abuse in institutional contexts, and outlines recommendations for improving service systems to better respond to those needs and assist survivors towards recovery.

**Volume 10, *Children with harmful sexual behaviours*** examines what we learned about institutional responses to children with harmful sexual behaviours. It discusses the nature and extent of these behaviours and the factors that may contribute to children sexually abusing other children. The volume then outlines how governments and institutions should improve their responses and makes recommendations about improving prevention and increasing the range of interventions available for children with harmful sexual behaviours.

**Volume 11, *Historical residential institutions*** examines what we learned about survivors' experiences of, and institutional responses to, child sexual abuse in residential institutions such as children's homes, missions, reformatories and hospitals during the period spanning post-World War II to 1990.

**Volume 12, *Contemporary out-of-home care*** examines what we learned about institutional responses to child sexual abuse in contemporary out-of-home care. The volume examines the nature and adequacy of institutional responses and draws out common failings. It makes recommendations to prevent child sexual abuse from occurring in out-of-home care and, where it does occur, to help ensure effective responses.

**Volume 13, *Schools*** examines what we learned about institutional responses to child sexual abuse in schools. The volume examines the nature and adequacy of institutional responses and draws out the contributing factors to child sexual abuse in schools. It makes recommendations to prevent child sexual abuse from occurring in schools and, where it does occur, to help ensure effective responses to that abuse.

**Volume 14, *Sport, recreation, arts, culture, community and hobby groups*** examines what we learned about institutional responses to child sexual abuse in sport and recreation contexts. The volume examines the nature and adequacy of institutional responses and draws out common failings. It makes recommendations to prevent child sexual abuse from occurring in sport and recreation and, where it does occur, to help ensure effective responses.

**Volume 15, *Contemporary detention environments*** examines what we learned about institutional responses to child sexual abuse in contemporary detention environments, focusing on youth detention and immigration detention. It recognises that children are generally safer in community settings than in closed detention. It also makes recommendations to prevent child sexual abuse from occurring in detention environments and, where it does occur, to help ensure effective responses.

**Volume 16, *Religious institutions*** examines what we learned about institutional responses to child sexual abuse in religious institutions. The volume discusses the nature and extent of child sexual abuse in religious institutions, the impacts of this abuse, and survivors' experiences of disclosing it. The volume examines the nature and adequacy of institutional responses to child sexual abuse in religious institutions, and draws out common factors contributing to the abuse and common failings in institutional responses. It makes recommendations to prevent child sexual abuse from occurring in religious institutions and, where it does occur, to help ensure effective responses.

**Volume 17, *Beyond the Royal Commission*** describes the impacts and legacy of the Royal Commission and discusses monitoring and reporting on the implementation of our recommendations.

Unless otherwise indicated, this Final Report is based on laws, policies and information current as at 30 June 2017. Private sessions quantitative information is current as at 31 May 2017.



# Summary

This volume discusses what we learned during our five-year inquiry about institutional responses to child sexual abuse in religious institutions. It outlines the nature and extent of the abuse, its impacts, and survivors' experiences of disclosing it. It examines common failures in institutional responses, and draws out factors that may have contributed to the occurrence of abuse and to inadequate responses. It makes recommendations to prevent child sexual abuse from occurring in religious institutions and, where it does occur, to ensure that responses are appropriate and effective.

Children and their wellbeing, safety and protection have been at the centre of our inquiry. Our Terms of Reference recognise that all children deserve a safe and happy childhood and that Australia has international obligations to protect children from sexual and other forms of abuse.

We have examined a broad range of institutions – from schools to Scouts, from the YMCA to sporting and dance clubs, from Defence training establishments to a range of out-of-home care services. We have considered institutions managed by federal, state and territory governments as well as non-government organisations. It is clear that child sexual abuse has occurred in a broad range of institutional contexts across Australia, and over many decades. However, we heard more allegations of child sexual abuse in relation to institutions managed by religious organisations than any other management type.

More than 4,000 survivors told us 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 1,691 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.

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 in our case studies told us about their child protection reforms. Others remained reluctant to accept the need for significant internal changes.

We have developed a comprehensive set of recommendations aimed at making religious institutions safer for children. Many of the recommendations apply to all religious institutions in Australia. Some are specific to particular religious institutions. In some cases, the recommendations are also relevant to the international leadership of religious organisations.

The recommendations focus on factors that we identified as contributing to the occurrence of child sexual abuse in religious institutions and to inadequate institutional responses. Some relate to governance, internal culture and underlying theological and scriptural beliefs and practices. We have examined these matters to the extent that they have affected – and may continue to affect – the vulnerability of children to abuse, and the likelihood of religious institutions responding poorly when abuse occurs. Religious leaders in Australia have recognised the importance of our role in providing recommendations on such matters.

While positive reforms are underway in some religious institutions, there is still much progress to be made before the community can be confident that all religious institutions in Australia are as safe as possible for children.

## Background: Religious institutions and child sexual abuse

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### The Royal Commission's work on religious institutions

Our particular focus on child sexual abuse in religious institutions was based on a number of factors. Most significantly, we received more allegations of child sexual abuse in relation to institutions managed by religious organisations than any other management type.

Other factors included that previous inquiries suggested that many children had been sexually abused in religious institutions; that the Royal Commission was established, in part, in response to allegations of child sexual abuse in religious institutions; and that religious institutions have played an integral role in the lives of a large number of children – including through religious worship and associated activities, schooling and various forms of out-of-home care.

As of 31 May 2017, 15,249 people had contacted us about child sexual abuse that fell within our Terms of Reference. Of these, 7,382 people (48.4 per cent) told us about child sexual abuse in religious institutions. Many went on to attend a private session. As of 31 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.

We examined responses to child sexual abuse in religious institutions in various ways, including through public hearings, private sessions with survivors, written accounts from survivors, policy and research work, roundtables, data surveys, targeted investigations, community engagement and engagement with religious institutions.

We held 57 public hearings, including 30 case studies that examined responses to child sexual abuse in religious institutions. Fifteen case studies examined Catholic institutions, seven examined Anglican institutions and three examined institutions managed by The Salvation Army. Other case studies examined institutions managed by or affiliated with each of the following: the Uniting Church, the Jehovah's Witnesses, Australian Christian Churches (ACC) and affiliated Pentecostal churches, Yeshiva Bondi and Yeshivah Melbourne (religious institutions forming part of the Chabad-Lubavitch movement of Orthodox Judaism) and the Australian Indigenous Ministries (formerly the Aborigines Inland Mission, a non-government and interdenominational faith ministry).

We considered a number of factors in deciding which religious institutions to examine in case studies. We aimed to provide a broad understanding of the problems that have existed across different types of religious institutions – including places of worship, schools and residential institutions – and in different parts of Australia. We aimed to bear witness to the often horrific

and life-altering experiences of those who suffered sexual abuse as children. We focused on the religious institutions about which we received the most allegations, or in relation to which particular systemic issues arose. The limits on our time and resources meant that we did not hold case studies on religious institutions that were raised with us by a very small number of people.

## Religion in Australia

Australia is a secular, multicultural and multi-faith society that is home to more than 170 religious groups. Aboriginal and Torres Strait Islander systems of spiritual belief existed across Australia at the time of colonisation and continue today. Since the first national census in 1911, most of the Australian population included in the census has reported affiliation with a Christian religion. However, there has been a long-term decline in the proportion of the population identifying as Christian, and a steady increase in the number of people reporting 'no religion' in the census. The Anglican Church remained the largest Christian denomination in Australia until the mid-1980s, when it was overtaken by the Catholic Church. Patterns of immigration since the Second World War and particularly since the beginning of the 1970s have seen an increase in religious diversity in Australia and a steady rise in affiliation with non-Christian religions.

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. Religious organisations have also affected the lives of a large number of Aboriginal and Torres Strait Islander people in Australia, including those who were forcibly removed from their families as children and placed in Christian missions.

## Previous inquiries into child sexual abuse in religious institutions

Prior to this Royal Commission, previous inquiries suggested that many children had been sexually abused in religious institutions, both in Australia and overseas.

Many of these inquiries focused on child sexual abuse in the Catholic Church. These inquiries indicated that child sexual abuse in the church has been widespread. They also revealed commonalities in responses to child sexual abuse in Catholic institutions in different countries, including failures to report alleged perpetrators to civil authorities; failures to use available canon law measures to discipline perpetrators; the transfer of alleged perpetrators from parish to parish and between dioceses; sending alleged perpetrators for treatment but failing to remove them from ministry; and failures to appreciate the devastating impacts of child sexual abuse on victims and their families.



In addition, our research has shown that child sexual abuse in the Catholic Church is not a recent phenomenon. It dates back to the earliest centuries of Christianity. In Australia, documentary references to the sexual abuse of children in Catholic institutions can be traced back to the middle of the 19<sup>th</sup> century.

Some previous inquiries in other countries considered child sexual abuse in institutions managed by or affiliated with religious organisations other than the Catholic Church. These inquiries revealed common failures in responses to child sexual abuse in different religious institutions in a number of countries. These included failures to report alleged perpetrators to civil authorities; limited accountability of alleged perpetrators and people responsible for responding to allegations; and failures to consider or prioritise the needs of survivors over other interests, such as financial interests or the welfare of alleged perpetrators.

A number of previous inquiries in Australia considered child sexual abuse in institutions managed by or affiliated with religious organisations, including the Catholic, Anglican, Uniting, Methodist and Presbyterian churches, and The Salvation Army. These inquiries revealed a high number of allegations of child sexual abuse over many decades. Common institutional responses detailed in the Australian inquiry reports include the denial or minimisation of child sexual abuse; failures to report alleged perpetrators to civil authorities; transferring alleged perpetrators between institutions or locations; acting to minimise public scandal and limit legal and financial liability; and failures to appreciate the impacts of child sexual abuse on victims.

Many of the findings of previous inquiries are broadly consistent with our findings about the responses of religious institutions in Australia to child sexual abuse.

## Extent of child sexual abuse in religious institutions

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At the start of this Royal Commission there was limited information available about the extent of child sexual abuse in religious institutions in Australia or overseas. During our inquiry we compiled key sources of material to increase understanding of the extent of child sexual abuse in religious institutions in Australia, as outlined below.

We do not know exactly how many children have experienced sexual abuse in religious institutions in Australia. Many survivors take years or even decades to disclose that they have been sexually abused, and some may never tell anyone. However, it is clear that thousands of children have been affected.

There are a number of limitations on the data sources available to us. They do not represent the total number of allegations of child sexual abuse relating to religious institutions in Australia and cannot be used to determine the incidence or prevalence of child sexual abuse in religious institutions. They represent only those survivors who have come forward, and may not accurately represent the demographic profile or experiences of those who have not come

forward. They are also likely to under-represent victims of more recent abuse, as long delays in disclosing child sexual abuse are common.

## Private sessions information

As of 31 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.

The largest proportion of these survivors spoke to us about child sexual abuse in Catholic institutions. We heard from 2,489 survivors about child sexual abuse in Catholic institutions, representing almost two-thirds (61.8 per cent) of survivors who told us about child sexual abuse in religious institutions and more than one-third (36.2 per cent) of all survivors we heard from in private sessions. In private sessions we heard about child sexual abuse occurring in 964 different Catholic institutions.

We also frequently heard about child sexual abuse in Anglican institutions (594 survivors or 14.7 per cent of survivors who told us about abuse in religious institutions, involving 244 different Anglican institutions) and Salvation Army institutions (294 survivors or 7.3 per cent of survivors who told us about abuse in religious institutions, involving 64 different Salvation Army institutions).

In addition, we heard from smaller numbers of survivors of child sexual abuse in institutions managed by or affiliated with various Protestant churches, Presbyterian and Reformed churches, the Uniting Church, the Jehovah's Witnesses, the Baptist Church, Pentecostal churches, the Brethren, Churches of Christ, the Seventh-day Adventist Church, the Lutheran Church, the Church of Jesus Christ of Latter-day Saints, and in Jewish institutions. Religious institutions raised by fewer than five survivors in private sessions included Eastern Orthodox churches, Oriental Orthodox churches and Islamic, Baha'i and Hindu institutions.

## Other data sources

We collected data from the Catholic, Anglican and Uniting churches in Australia about claims and complaints of child sexual abuse.

Catholic Church authorities provided information about claims of child sexual abuse they received between 1 January 1980 and 28 February 2015 (the Catholic Church claims data). Of the 201 Catholic Church authorities surveyed, 92 authorities (46 per cent) reported having received one or more claims of child sexual abuse. Overall, 4,444 claimants alleged incidents of child sexual abuse in 4,756 reported claims to Catholic Church authorities.

Anglican Church dioceses provided information about complaints of child sexual abuse they received between 1 January 1980 and 31 December 2015. Of the 23 Anglican Church dioceses surveyed, 22 reported having received one or more complaints of child sexual abuse. Overall, 1,085 complainants alleged incidents of child sexual abuse in 1,119 reported complaints to Anglican Church dioceses.

The Uniting Church in Australia provided data regarding allegations and claims of child sexual abuse received between 22 June 1977 when it was established, and 3 March 2017. The data showed that 430 allegations of child sexual abuse were made to the church's six synods in Australia. Of these allegations, 102 resulted in claims of child sexual abuse where the claimant sought redress through a redress process or civil litigation.

## People we heard about in religious institutions

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### Victims and survivors of child sexual abuse

During our inquiry, in private sessions, written accounts and public hearings, we heard from thousands of victims and survivors and their family members about child sexual abuse in religious institutions. The personal stories we heard informed our understanding of people's experiences of abuse, difficulties disclosing abuse, and the devastating impacts. These accounts were also important in highlighting personal experiences of institutional responses to child sexual abuse, which in many cases were just as difficult to comprehend as the abuse itself.

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. Of the survivors who told us in private sessions about child sexual abuse in religious institutions, 90.0 per cent told us about abuse occurring before 1990 and 5.8 per cent told us about abuse occurring from 1990 onwards. Some survivors did not discuss the date of abuse. 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 Anglican Church complaints data showed that the average age of complainants at the time of the first alleged incident of child sexual abuse was approximately 11 years for both male and female complainants. Of those who made a complaint, 75 per cent were male and 25 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 1.7 years. There was an average delay of 29 years between the date of the first alleged incident of abuse and the date the claim was made.

We heard from a wide range of people during our inquiry. The victims and survivors who came forward were from diverse backgrounds and had many different experiences. Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions:

- 428 survivors (10.6 per cent) identified as Aboriginal or Torres Strait Islander. Many told us about experiences of abuse in residential institutions before 1990. The legacy of colonisation and the forced removal of thousands of Aboriginal and Torres Strait Islander children from their families, now known as the Stolen Generations, was part of the experience of many of the Aboriginal and Torres Strait Islander survivors who came forward. Many of these children were placed in institutions such as missions that were managed by religious organisations.
- 128 survivors (3.2 per cent) identified as being from a culturally or linguistically diverse background. This included some survivors who were sent to Australia as child migrants and placed in residential institutions managed by religious organisations, where they experienced sexual and other forms of abuse.
- 122 survivors (3.0 per cent) told us they had disability at the time of the abuse. In private sessions and public hearings we heard from people with disability who were sexually abused as children in religious institutions. Some had cognitive or intellectual impairments; others had physical, sensory and psychosocial disabilities. We also heard from parents and carers of survivors with disability.

## Perpetrators of child sexual abuse

We heard about thousands of alleged perpetrators of child sexual abuse in religious institutions. We are not able to provide a definitive number because some survivors did not identify the individuals responsible for the abuse, and some did not identify the number of people who abused them.

If we received information relating to potential contraventions of Australian law, we made referrals to police in cases where the alleged perpetrator could have been alive and the survivor wished us to report the matter. There were many cases where the alleged perpetrator was either known to be, or was almost certainly, deceased. If there was a prospective risk to any child a referral was made irrespective of the wish of the survivor. As of 31 July 2017, we had made 2,252 referrals to police, and police had laid charges in a number of cases. Of those 2,252 referrals, 1,229 related to child sexual abuse in religious institutions.

Of the 4,029 survivors we heard from in private sessions about child sexual abuse in religious institutions, the majority (2,533 survivors or 62.9 per cent) provided information about the age of the person who sexually abused them. Of those, 2,164 survivors (85.4 per cent) told us about abuse by an adult perpetrator. Most of those (2,063 survivors or 95.3 per cent) said they were abused by a male adult. Far fewer (139 survivors or 6.4 per cent) said they were abused by a female adult, and 50 survivors (2.3 per cent) said they were abused by both a male adult and a female adult.

The perpetrators of child sexual abuse we heard about in private sessions held various positions in religious institutions, but most held positions of leadership or authority. Some held more than one position, such as people in religious ministry who were also teachers. Some survivors told us about multiple perpetrators who held different positions. Of the 4,029 survivors we heard from in private sessions about child sexual abuse in religious institutions, most (3,879 survivors or 96.3 per cent) told us about the position held by a perpetrator. Of those, 2,053 survivors (52.9 per cent) told us about perpetrators who were people in religious ministry. We also frequently heard about perpetrators who were teachers (901 survivors or 23.2 per cent) or residential care workers (506 survivors or 13.0 per cent). Other perpetrators we heard about included housemasters, foster carers and volunteers.

The Catholic Church claims data identified 1,880 known alleged perpetrators. Additionally, 530 alleged perpetrators whose identities were not known were the subject of claims of child sexual abuse. Overall, 90 per cent of alleged perpetrators were male and 10 per cent were female. Around two-thirds of alleged perpetrators identified in claims of child sexual abuse were either priests (30 per cent), religious brothers (32 per cent) or religious sisters (5 per cent). Just under one-third (29 per cent) were lay people.

The Anglican Church complaints data identified 569 known alleged perpetrators. Additionally, 133 alleged perpetrators whose identities were not known were the subject of complaints of child sexual abuse. Overall, 94 per cent of alleged perpetrators were male and 6 per cent were female. Of the alleged perpetrators identified in complaints of child sexual abuse, 50 per cent were lay people and 43 per cent were ordained clergy (the religious status in respect of the other 7 per cent was unknown).

## Children with harmful sexual behaviours

Of the 2,533 survivors who told us during private sessions about child sexual abuse in religious institutions and who provided information about the age of the person who sexually abused them, 498 survivors (19.7 per cent) told us about abuse by another child (under 18 years). Of these, 431 survivors (86.5 per cent) told us about abuse by a boy and 76 survivors (15.3 per cent) told us about abuse by a girl. A small number of survivors told us about abuse by a boy and by a girl.

During private sessions we heard about children with harmful sexual behaviours in different types of religious institutions. The most common contexts were residential institutions managed by religious organisations before 1990 and religious schools.

Children may have exhibited harmful sexual behaviours in institutional contexts for various reasons, including an institutional culture that allowed bullying, violence or intimidation by staff and other children.

## Common contexts where child sexual occurred abuse in religious institutions

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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. Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions:

- 39.0 per cent (1,570 survivors) told us about abuse in religious schools
- 35.2 per cent (1,419 survivors) 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 (1,000 survivors) told us about abuse in places of worship or during religious activities
- 1.6 per cent (66 survivors) told us about abuse during recreational activities affiliated with religious organisations, such as church-run camps.

Some survivors told us about child sexual abuse in more than one of these contexts.

### Religious schools

We heard that many children experienced sexual abuse in religious schools, including day schools and boarding schools. Of the 6,875 survivors who told us in private sessions about child sexual abuse in institutional contexts, 2,186 survivors (31.8 per cent) told us about abuse in schools. Of those, 1,570 survivors (71.8 per cent) told us about abuse in religious schools.

The victims we heard about included children of both primary and secondary school age, and both boys and girls. Survivors told us about school cultures that permitted abuse and silenced victims. We heard that children experienced sexual abuse in various locations on their school grounds or during school-related activities. Some survivors told us about being sexually abused by people in religious ministry in church premises located on or next to their school grounds. Boarding schools were a particularly risky environment in which perpetrators had ready access to children, and survivors told us about sexual abuse that occurred in dormitories or staff bedrooms.

We heard that children were sexually abused by a range of individuals in religious schools, including males and females of various ages and who held various positions. However, many of the perpetrators we were told about were adult males who were people in religious ministry. Many perpetrators were teachers, and some were housemasters or dormitory masters.

In private sessions, we also heard from 112 survivors about being sexually abused by another child in a religious school. This abuse occurred in boarding schools and day schools, and a substantial proportion (29.5 per cent) occurred from 1990 onwards.

## Residential institutions managed by religious organisations

We heard that many children experienced sexual abuse in residential institutions managed by religious organisations, including orphanages, children's homes and missions.

Social contexts, policy and legislation during the last century meant that children from a range of backgrounds were sent to live in residential institutions, some of which were managed by religious organisations. Multiple previous inquiries – including those focusing on the experiences of the Stolen Generations, Former Child Migrants and the Forgotten Australians – have outlined the harsh conditions for children in many residential institutions.

Of the 6,875 survivors who told us in private sessions about child sexual abuse in institutional contexts, 2,858 survivors (41.6 per cent) told us about abuse in out-of-home care settings. Of these, 1,419 survivors (49.7 per cent) told us about abuse in residential institutions managed by religious organisations before 1990. Around one in five of these survivors (20.8 per cent) identified as Aboriginal or Torres Strait Islander. The victims we heard about were boys and girls of various ages and from a range of backgrounds, including orphans, state wards, child migrants and children with disability.

We heard that children were particularly vulnerable in residential institutions. Many of these institutions were located in remote places and children were often isolated, having little interaction with people outside the institution. Staff often had unfettered access to children. Survivors told us about experiencing child sexual abuse in various locations within residential institutions, commonly in shared dormitories or nearby staff bedrooms. We heard that children in these institutions, in addition to experiencing sexual abuse, often grew up in an environment of physical brutality, emotional abuse and extreme neglect.

We heard in private sessions about different types of perpetrators in residential institutions managed by religious organisations, including people in religious ministry, staff who worked at the institutions, housemasters, teachers and others. Most survivors told us about male adult perpetrators, but we also heard about female adult perpetrators.

We also heard that many victims in residential institutions were sexually abused by other children. Of those who told us during private sessions about child sexual abuse in residential institutions managed by religious organisations before 1990, and who told us about the age of the person who sexually abused them, 321 survivors (38.8 per cent) told us about abuse by another child.

The Catholic Church claims data showed that nine of the 10 Catholic institutions identified as having the most claims of child sexual abuse were residential institutions. The majority of claims of child sexual abuse relating to residential institutions identified a religious brother as an alleged perpetrator (51 per cent). This was followed by priests (26 per cent), lay people (14 per cent) and religious sisters (7 per cent).

## Places of worship, religious activities and recreational activities

Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions, 1,000 survivors (24.8 per cent) told us about abuse in places of worship or during religious activities. Sixty-six survivors (1.6 per cent) told us about abuse during recreational activities affiliated with religious organisations, such as church-run camps or youth groups. The victims we heard about included boys and girls of various ages and from different religious backgrounds.

Each religious organisation has its own places of worship and religious rituals and activities, which often involve children. In private sessions and case studies we heard about children experiencing sexual abuse in places of worship or related locations such as a confessional, a priest's residence or a ritual bathhouse; in seminaries and houses of religious formation; and during religious activities such as altar boy duties, Bible study or Sunday school.

Most of the perpetrators we heard about in places of worship or during religious activities were adult males who were people in religious ministry. We frequently heard about the trust and respect shown by religious communities and families to people in religious ministry, and how this was a factor in perpetrators gaining access to, grooming and abusing children.

We also heard from some survivors about experiencing child sexual abuse in family homes, in some cases perpetrated by people in religious ministry and in other cases perpetrated by religious family members. This sexual abuse was considered to be within our Terms of Reference when it was reported to and handled by the relevant religious institution.



## Characteristics of child sexual abuse specific to religious institutions

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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 about priests misusing the practice of religious confession to facilitate child sexual abuse or to silence victims. Survivors told us about experiencing sexual abuse as children in the confessional at their church. We also heard that some children experienced sexual abuse that involved the use of religious rituals, symbols or language. 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

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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.

Some survivors told us they became pregnant after being sexually abused as children by people in religious ministry such as church elders, religious brothers or priests. In some cases we heard that this led to miscarriage. In other cases we heard that it led to forced adoption, abortion or marriage.

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. The cohesion of a religious community can be shattered when child sexual abuse – and poor institutional responses to that abuse – come to light. Communities can become divided, particularly when the abuse is revealed to be extensive or when institutions have attempted to conceal it. We heard about members of religious communities feeling as though they had been betrayed by religious leaders and institutions they had believed in, revered, and entrusted their children to.

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.

Survivors told us about the various coping strategies they had used to overcome the child sexual abuse they experienced. These included drawing on supportive relationships, seeking therapeutic assistance and drawing on sources of strength and meaning. 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.

## Disclosure of child sexual abuse in religious institutions

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We learned that many survivors of child sexual abuse take years or even decades before they feel they can disclose the abuse. Survivors who spoke with us during private sessions took, on average, 23.9 years to tell someone they had been sexually abused. Some survivors may never tell anyone.

Many survivors of child sexual abuse in religious institutions told us about their experiences of disclosing the abuse, or about barriers that prevented them from doing so. These barriers included fear of disclosing to their devout religious family, fear of disclosing because of attitudes to sex and sexuality in their religious community, fear of being ostracised by their religious community, and reluctance to ‘bring shame’ on their religious organisation. We heard that perpetrators of child sexual abuse in religious institutions created barriers to disclosure through various strategies, including grooming or psychological manipulation of victims, threatening victims, and punishing victims who did disclose.

We also heard about institutional barriers to disclosure of child sexual abuse in religious institutions, including cultures of secrecy and of abuse; religious beliefs and practices that acted as barriers; inappropriate responses to children who disclosed abuse, including during religious confession; and non-existent or inadequate avenues for victims to disclose abuse. While some of these factors would also have been present in other institutional contexts, in religious institutions they were often exacerbated by an overarching context in which people in religious ministry were revered and feared. We heard that the status and authority afforded to people in religious ministry prevented many victims of child sexual abuse from disclosing their experiences of abuse by such people.

## Common institutional responses to child sexual abuse across religious institutions

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Our consideration of institutional responses to child sexual abuse in religious institutions largely focused on evidence gathered through our case studies on the Anglican Church, the Catholic Church, The Salvation Army, the Jehovah’s Witnesses, the ACC and affiliated Pentecostal churches, and Yeshiva Bondi and Yeshivah Melbourne.

There are significant structural and theological differences both between and sometimes within these religious organisations. The contexts in which child sexual abuse occurred also differed – in some cases we primarily heard about abuse in schools or residential institutions, while in others we heard about abuse in places of worship, during religious or recreational activities, or within family homes (where allegations of sexual abuse were reported to and handled by the relevant religious institution). In some cases we primarily heard about perpetrators who were people in religious ministry, while in others we heard about a higher proportion of perpetrators who were lay people.

Despite these differences, there were remarkable similarities in the institutional responses to child sexual abuse across religious institutions.

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.

Victims who reported child sexual abuse were at times assured by leaders of religious institutions that action would be taken against alleged perpetrators, when often none was. The number of complaints received by some religious institutions, often including multiple complaints about the same individual, suggested a pattern of inaction in responding to alleged perpetrators of child sexual abuse. Some alleged perpetrators remained in the same positions with access to children for years, some for decades, after initial and successive allegations of abuse were raised.

Some leaders of religious institutions made serious errors of judgment 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. In some instances, these new appointments were geographically removed from the locations where the original complaints arose, and involved movements across Australia or between different religious institutions. 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. In many cases, supervisory arrangements were either not put in place or were not effective. Some perpetrators who continued in ministry or employment continued to sexually abuse 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’. Some leaders of religious institutions also took steps to conceal the real reasons for which people were removed from positions in ministry or employment following allegations or admissions of child sexual abuse. This included, for example, allowing perpetrators to retire or resign on false grounds, such as for health reasons.

Commencing in the 1990s, some religious organisations developed protocols for responding to complaints of child sexual abuse, as well as redress processes. For some survivors, engaging with redress processes developed by religious institutions was a positive experience that contributed to their healing. Some survivors were complimentary about particular aspects of these processes, including offers of pastoral support, and spoke of receiving genuine apologies that had a significant healing effect.

However, many survivors told us that their experiences were difficult, frightening or confusing. Religious institutions frequently failed to provide appropriate care and support for survivors during redress processes, civil litigation or criminal proceedings. This sometimes exacerbated the trauma experienced by survivors.

Processes for receiving and responding to complaints and claims for redress were often overly legalistic, lacked transparency, involved generic apologies or no apologies at all, and failed to appropriately recognise the long-term and devastating impacts of child sexual abuse on victims, survivors and their families.

## Common contributing factors across religious institutions

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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. Some leaders of religious institutions claimed to have had a general lack of understanding about paedophilia and conduct amounting to child sexual abuse. 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. Actions were often taken with the aim of avoiding, preventing or repairing public scandal, and concealing information that could tarnish the image of the institution and its personnel, or negatively affect its standing in the community.

In some cases, the structure and governance of religious institutions may have inhibited effective institutional responses to child sexual abuse. Independent, autonomous or decentralised governance structures often served to protect leaders of religious institutions from being scrutinised or held accountable for their actions, or lack of action, in responding to child sexual abuse. At times, the structure and governance of particular religious institutions gave rise to conflicts of interest for those involved in responding to allegations of child sexual abuse. In some instances religious leaders showed a lack of understanding of or disregard for perceived or actual conflicts of interest in circumstances where there were inadequate checks and balances to regulate their personal power.

In some religious institutions, the absence or insufficient involvement of women in leadership positions and governance structures negatively affected decision-making and accountability, and may have contributed to inadequate institutional responses to child sexual abuse. Leaders of both the Catholic Church and the Anglican Church told us they believed that the involvement of women in leadership positions would contribute to making their institutions safer for children.

The interpretation and, at times, inappropriate application of religious laws, rules or principles in some religious organisations also contributed to inadequate institutional responses to child sexual abuse by hindering appropriate internal action on allegations of abuse and by acting as a barrier to external reporting. It is clear that for some religious organisations, internal laws or specific scriptural, doctrinal or theological principles present an ongoing obstacle to the reforms needed to ensure that children are safe from sexual abuse in religious institutions.

## Anglican Church

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Seven of our case studies examined responses to child sexual abuse in institutions managed by or affiliated with the Anglican Church. Three of these case studies focused on the institutional responses of various dioceses and one associated organisation, the Church of England Boys' Society. The remainder examined the institutional responses of schools, each of which had varying degrees of oversight and governance by the Anglican Church. Evidence in these case studies provided us with information about institutional responses to child sexual abuse in Anglican institutions before and after the development of national model procedures by the General Synod in 2004. These national model procedures were designed to bring greater consistency across all 23 Anglican Church dioceses in their responses to allegations of child sexual abuse.

Our institutional review hearing involving the Anglican Church in March 2017 considered some of the key factors that may have contributed to the occurrence of child sexual abuse in Anglican institutions or affected institutional responses to this abuse.

As of 31 May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 594 survivors (14.7 per cent) told us about abuse in Anglican institutions. The majority (76.4 per cent) were male and 23.4 per cent were female. The average age of victims at the time of first abuse was 10.6 years. Of the 376 survivors who told us about the age of the person who sexually abused them, 309 survivors (82.2 per cent) told us about abuse by an adult and 90 survivors (23.9 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 309 survivors who told us about sexual abuse by an adult, 95.8 per cent said they were abused by a male adult. Of the 565 survivors who told us about the position held by a perpetrator, 26.0 per cent told us about perpetrators who were people in religious ministry. This was followed by teachers (21.8 per cent), residential care workers (15.0 per cent) and housemasters (11.5 per cent).

We also commissioned a survey to gather data from the 23 Anglican Church dioceses in Australia regarding complaints of child sexual abuse they received between 1 January 1980 and 31 December 2015. This data showed that:

- 1,085 complainants alleged incidents of child sexual abuse in 1,119 reported complaints
- the largest proportion of first alleged incidents of child sexual abuse occurred in the 1970s (25 per cent of all complaints with known dates)
- 75 per cent of complainants were male and 25 per cent were female, and the average age of the complainant at the time of the first alleged incident of child sexual abuse was approximately 11 years for both male and female complainants
- 94 per cent of alleged perpetrators were male
- of all known alleged perpetrators, 50 per cent were lay people and 43 per cent were ordained clergy
- 472 complaints of child sexual abuse resulted in a payment being made following a claim for redress, with a total of \$34.03 million paid, at an average of approximately \$72,000 per claim.

## Institutional responses to child sexual abuse in the Anglican Church

Our consideration of the early institutional responses of the Anglican Church to allegations of child sexual abuse revealed multiple failures.

Before the early 2000s, leaders of Anglican Church institutions often dismissed, did not believe, or minimised allegations of child sexual abuse against both clergy and lay people. Some leaders of Anglican Church institutions who responded to complaints during this time told victims that there was nothing they could do, suggested that victims had misinterpreted alleged perpetrators' behaviour, or told victims that they should be 'forgiving' or 'let sleeping dogs lie'. Survivors told us of the devastating impacts of such responses.



Senior Anglican Church personnel at times asked complainants to remain silent, in one case, we were told, 'to protect the good name of the church'. We heard of instances where senior Anglican Church personnel raised the threat of potential legal action against survivors and others who made complaints. We heard that such threats dissuaded complainants from reporting to police.

Before the early 2000s, complaints were rarely reported to police or other civil authorities and, in some cases, those who made complaints to the Anglican Church were actively discouraged from taking further action. In some cases, alleged perpetrators were not reported to police despite them having made admissions relating to child sexual abuse to a bishop. In other cases alleged perpetrators were not reported to police despite multiple allegations being made over years or decades. Where policies requiring reporting to police existed, they were not followed. One Anglican bishop acknowledged that had he gone to the police, much suffering would have been avoided.

Before the early 2000s, a common response to complaints about child sexual abuse was to allow alleged perpetrators of child sexual abuse to remain in ministry or lay involvement in Anglican institutions, sometimes for years or decades. In some cases, conditions were imposed, or were purportedly imposed, on alleged perpetrators. However, we found that these conditions failed to adequately mitigate the risks to children, or were not complied with. In some cases, there were further allegations of child sexual abuse.

At times, clergy and lay people were promoted and progressed through the ranks of Anglican institutions even after allegations of child sexual abuse had been made against them. In some instances clergy and lay people against whom allegations had been made were allowed to resign or retire quietly, to avoid scandal for the Anglican Church. Disciplinary action that could have been taken against some clergy was not taken, and we heard that the disciplinary mechanism available to dioceses (the diocesan tribunal system) was rarely used. Where disciplinary proceedings were held, we heard that the processes at times caused additional trauma to survivors.

Since 2004, Anglican Church dioceses in Australia have adopted and implemented a range of measures under a professional standards framework to respond to complaints of child sexual abuse, with the intention of achieving a consistent national approach. However, there remain differences in the way this framework operates in each of the 23 dioceses, leading to inconsistent outcomes for survivors.

The professional standards framework, while not specifically mandating that allegations of child sexual abuse are reported to police or other civil authorities, nevertheless requires dioceses to have procedures for working with law enforcement, prosecution and child protection authorities. Furthermore, professional standards committees have a power and a duty to refer information to such authorities. However, our case studies showed that where policies existed, Anglican Church personnel did not necessarily report historical allegations in a timely manner, if at all.

Following the introduction of the professional standards framework, there was a shift away from the tribunal-based system of disciplining clergy to a mechanism that considers whether clergy and church workers remain fit to hold a licence, office or position of responsibility where allegations have been made against them. However, our case studies showed that such disciplinary action was not always taken, and the process could be long and protracted.

We also heard that lay people involved in the governance of the Anglican Church can significantly influence the prevailing culture of a diocese. In the Diocese of Newcastle in New South Wales, this led to child safety not being prioritised, the undermining of attempts to implement professional standards processes, and backlash directed at bishops and others in leadership positions when they sought to bring about positive cultural change in relation to the issue of child sexual abuse.

Although pastoral care and assistance schemes have operated in most dioceses since the 1990s, we heard that these were not always followed or properly implemented. Where there were civil claims, sometimes the approach adopted by a diocese was legalistic and defensive, which caused further trauma for some survivors. A number of Anglican bishops who gave evidence during our institutional review hearing on the Anglican Church told us that their dioceses had sought to improve their responses to survivors. Despite this, we heard from some survivors about their negative experiences with diocese-based redress schemes, including delays, inconvenient processes, and perceptions that the maximum payments available through these schemes were inadequate.

## Contributing factors in the Anglican Church

The lack of a consistent national approach in the Anglican Church to responding to allegations of child sexual abuse has led to inconsistent outcomes for survivors. Barriers to a consistent national approach include dispersed and decentralised authority, diocesan autonomy, and theological and cultural differences between dioceses. We recommend that all religious organisations adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions and drive a consistent approach to the implementation of the standards (Recommendations 16.32 and 16.33). Given these barriers, the Anglican Church should develop a mechanism to not only drive a consistent approach to child safety, but also monitor its adoption in the 23 dioceses and their affiliated institutions.

A failure of leadership by diocesan bishops contributed to inadequate responses to child sexual abuse. In two of our case studies, alleged perpetrators remained in positions where they had access to children after a bishop had received a complaint of child sexual abuse, and there were subsequently further allegations of child sexual abuse. These failures occurred in a context where there was a lack of oversight and accountability of bishops, and no uniform process for complaints about bishops' handling of allegations of child sexual abuse. We recommend that the Anglican Church adopt a uniform episcopal standards framework to ensure that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse (Recommendation 16.1).

In some instances conflicts of interest arose for diocesan bishops and senior diocesan officeholders in their responses to individuals accused of child sexual abuse. Bishops have close relationships with clergy in their dioceses, which at times clearly affected their response to allegations. Conflicts also arose for senior officeholders as a consequence of their personal and professional interests. We recommend that the Anglican Church adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse (Recommendation 16.2).

Lay people have a high level of involvement in the governance and operation of the Anglican Church. While lay involvement in the governance of religious institutions can contribute to child safety, in some instances in the Anglican Church, responses to child sexual abuse have been affected by particular lay cultures in a diocese. These local cultures, when they do not prioritise the safety of children, can have a significant impact on the ability of a bishop to effectively lead a diocese, and can contribute to inadequate responses to allegations of child sexual abuse. We recommend that the Anglican Church amend *Being together* and any other statement of expectations about the behaviour of members of Anglican Church communities, to expressly refer to the importance of child safety (Recommendation 16.3).

Aspects of clericalism – that is, the theological belief that the clergy are different to the laity – may have contributed to the occurrence of child sexual abuse in the Anglican Church and impeded appropriate responses to such abuse. A culture of clericalism may have discouraged survivors and others from reporting child sexual abuse, including to police. Greater transparency and a more extensive role for women in both ordained ministry and lay leadership positions in the Anglican Church, among other measures, could address the negative impacts of this culture of clericalism.

In some cases in the Anglican Church there was a focus on extending forgiveness and compassion to perpetrators rather than properly considering the needs of victims. One consequence of a culture of forgiveness, when combined with a poor understanding of child sexual abuse, was that survivors were encouraged to forgive the person who abused them. Similarly, third parties who raised complaints were encouraged to forgive the person they suspected of perpetrating child sexual abuse.

In addition to these cultural factors there were failures in the selection and screening of people for ordination. Clergy and church workers in the Anglican Church also need professional supervision and support. We recommend that the Anglican Church develop a national approach to the selection, screening and training of candidates for ordination (Recommendation 16.4). We further recommend that the Anglican Church develop and implement mandatory national standards to ensure that all people in religious or pastoral ministry undertake regular professional development, undertake professional/pastoral supervision and undergo regular performance appraisals (Recommendation 16.5).

At its 17<sup>th</sup> session in September 2017, the General Synod of the Anglican Church of Australia passed a number of canons aimed at achieving national minimum standards in many of these areas. It is now up to the 23 dioceses to adopt uniform legislation to ensure that the Anglican Church has a consistent national approach to child safety.

## Catholic Church

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Fifteen of our case studies examined responses to child sexual abuse in Catholic institutions, including schools, residential institutions, places of worship and during religious activities. Case studies also focused on the operation of redress processes in the Catholic Church and the operation of canon law in relation to priests against whom allegations had been made. Case studies considered responses to child sexual abuse by a number of dioceses and religious institutes (also known as religious orders or congregations) including the Christian Brothers, the Marist Brothers and the Sisters of Mercy.

We also held an institutional review hearing to consider current policies and procedures of Catholic Church authorities in Australia in relation to child protection, as well as factors that may have contributed to the occurrence of child sexual abuse in Catholic institutions or to inadequate institutional responses to such abuse.

As of 31 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
- the largest proportion of first alleged incidents of child sexual abuse occurred in the 1970s (29 per cent of all complaints with known dates)
- 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 (11.6 years for males and 10.5 years for females)
- 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).

The accounts of child sexual abuse that we heard about in relation to Catholic institutions largely related to schools and residential institutions. Of the 1,049 institutions identified in the Catholic Church claims data, 549 were schools and 83 were residential institutions. However, claims of child sexual abuse were much more likely to be made in relation to residential institutions than schools – an average of 16 claims were made in relation to each residential institution, while an average of four claims were made in relation to each school.

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 proportion of alleged perpetrators in specific Catholic Church authorities included: the St John of God Brothers (40.4 per cent); the Christian Brothers (22.0 per cent); the Benedictine Community of New Norcia (21.5 per cent); the Salesians of Don Bosco (20.9 per cent); the Marist Brothers (20.4 per cent); the Diocese of Sale in Victoria (15.1 per cent); the De La Salle Brothers (13.8 per cent) and the Archdiocese of Adelaide in South Australia (2.4 per cent).

## Institutional responses to child sexual abuse in the Catholic Church

### Awareness of allegations of child sexual abuse within the Catholic Church

Our inquiry revealed numerous 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 (members of a religious institute) 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 20<sup>th</sup> 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 have 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.

In other cases, alleged perpetrators were moved to new positions in other locations after allegations were raised, where in some instances they continued to sexually abuse children. 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.

In some cases, priests or religious against whom allegations of child sexual abuse had been made were simply granted leave, or restrictions were placed on their ministry, such as by appointing them to administrative positions. These measures were not always effective in preventing them from having access to children.

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. These measures did not always prevent alleged perpetrators from continuing in ministry in another Catholic Church authority, or continuing in other positions where they had access to children.

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.

In November 1996, the ACBC agreed that Towards Healing would be implemented in March 1997. A month earlier, the then Archbishop of Melbourne, Archbishop George Pell, had announced that the archdiocese would proceed with the Melbourne Response. The introduction of the Melbourne Response shortly before the implementation of Towards Healing effectively meant that there would not be a uniform national approach.

## 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 other cases, alleged perpetrators were temporarily removed from religious ministry. Some were placed on types of leave such as sick leave, instead of administrative leave, which masked the reasons for which they were placed on leave. Some continued to have access to children. In the Catholic Church authorities we examined, it appears that, from the time that Towards Healing and the Melbourne Response were introduced, priests and religious were generally placed on administrative leave if allegations of child sexual abuse were made against them.

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.

Following the introduction of Towards Healing, bishops and religious superiors retained considerable latitude with respect to the measures they should take in response to perpetrators whose guilt had been admitted or proved. It appears that they took disciplinary steps under canon law to dismiss offenders in only a small number of cases during the 1990s and early 2000s. The reluctance of Catholic Church leaders to engage with canonical disciplinary processes may have been caused, in part, by confusion about those processes, as well as by a view that the Vatican tended to resolve matters in favour of offending priests. It may also have been due to the fact that formal canonical disciplinary processes took considerable time.

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 recognise 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. Some survivors told us that the personnel they engaged with did not communicate with them clearly or sensitively. In some cases, survivors felt they were not consulted about important decisions. 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 made a number of observations in relation to the Melbourne Response in our report on that case study. We observed that the practice of Independent Commissioners meeting survivors in their barrister's chambers, an environment that may be threatening, if not overwhelming, was unlikely to provide a sense of confidence and security for a survivor. We said that the Archdiocese of Melbourne should meet the costs of lawyers for survivors, and should inform survivors of this at the outset of the process. We concluded that the archdiocese should review the terms of appointment for the Independent Commissioners to further clarify expectations concerning the rights of victims and the reporting of allegations to police. We also observed that administrators or decision-makers in a redress scheme should never give advice to applicants about likely outcomes of a report to police, even if they are independent of the relevant institution. We observed that the Melbourne Response is a scheme heavily dominated by lawyers and that a traditional legal process is unlikely to provide the most supportive environment for survivors of child sexual abuse.

In 2014, the Archbishop of Melbourne, Archbishop Denis Hart, announced a review of the Melbourne Response, the report of which he received in 2015. This review made recommendations including an increase to the cap on redress payments. In December 2016, Archbishop Hart announced that the cap on payments would be increased on 1 January 2017 and that additional payments would be made to survivors of child sexual abuse who had already received payments, to reflect the new cap.

In case studies we also considered the experiences of survivors of child sexual abuse who pursued civil litigation against Catholic Church authorities or negotiated redress directly with Catholic Church authorities. We heard that particular challenges arise in such cases, including the operation of statutory limitation periods and the need to identify a responsible party against whom to bring legal proceedings. 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.

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.

## Institutional responses to child sexual abuse in Catholic schools

Child sexual abuse in schools represented a substantial proportion of the abuse we heard about in relation to Catholic institutions. Of the 2,489 survivors who told us in private sessions about child sexual abuse in Catholic institutions, 49.2 per cent told us about abuse in schools. Of the 1,049 named institutions in the Catholic Church claims data, 549 were schools. This data also showed that, of all claims made in relation to child sexual abuse in a Catholic school, 74 per cent involved religious brothers or priests.

In case studies we considered the responses of Catholic Church authorities to allegations of child sexual abuse in Catholic schools, including responses by teachers and principals, by Catholic education offices and by diocesan authorities and leaders of religious orders. Many of the responses were similar to those of other Catholic Church institutions, outlined above. Allegations were not reported to police. Alleged perpetrators were commonly left in positions where they had access to children or were moved to new locations, often remaining in teaching positions. In a number of cases alleged perpetrators who were not removed from positions where they had access to children went on to further sexually abuse children.

In relation to a number of cases we considered where alleged perpetrators were priests associated with Catholic schools, we concluded that the relevant bishop or archbishop knew about allegations of child sexual abuse, but failed to take appropriate action to protect children from the risk of abuse, sometimes for years. Their inaction left these priests in positions where they had ongoing access to children in Catholic schools. It was left to principals and teachers to attempt to manage the risk that these individuals posed to children.

In relation to Catholic schools in the Archdiocese of Melbourne, we found that the employment structure, where the parish priest is the employer of the school principal and staff for parish schools, is dysfunctional. There is a risk that having the priest as employer could act as a barrier to people reporting concerns about child sexual abuse. We recommend that parish priests not be the employer of principals and teachers in Catholic schools (Recommendation 16.6).

A common feature of cases we examined regarding Christian Brothers or Marist Brothers was that provincial leaders of these religious orders allowed religious brothers teaching in Catholic schools to remain in positions where they had access to children, or to move to different schools, despite allegations – in some cases numerous allegations – of child sexual abuse being made against them. During the time period considered by our case studies, the highly centralised structures for decision-making within the Marist Brothers and the Christian Brothers contributed to failures to respond appropriately to allegations of child sexual abuse.

## 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 psychosexual 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 psychosexual immaturity or psychosexual 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 psychosexual 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. In accordance with contemporary standards of good governance, we encourage 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 (Recommendation 16.7).

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

## Leadership

In its responses to child sexual abuse, the leadership of the Catholic Church has failed the people of the Catholic Church in Australia, 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 recommend that the ACBC request that the Holy See amend the appointment process for bishops (Recommendation 16.8).

We also recommend 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 (Recommendation 16.36).

## 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.

We recommend that canon law should be amended so that offences related to child sexual abuse are framed as crimes against the child rather than 'delicts' against morals or a breach of the obligation to observe celibacy (Recommendation 16.9).

There should be no provision in canon law that attempts to prevent, hinder or discourage compliance with mandatory reporting laws by bishops or religious superiors. While we do not make any findings about the proper interpretation of canon law in relation to mandatory reporting to civil authorities, it appears that during the 1990s and early 2000s, the Holy See considered that bishops were not free to report allegations of child sexual abuse by clergy to civil authorities. However, the Holy See's approach to mandatory reporting changed significantly

in 2010. We recommend that canon law be amended so that the ‘pontifical secret’ does not apply to any aspect of allegations or canonical disciplinary processes relating to child sexual abuse (Recommendation 16.10).

We conclude that the emphasis in canon law on the ‘pastoral approach’, which requires bishops and religious superiors to treat withdrawal from ministry and dismissal from the priesthood or religious life as a ‘last resort’, has been a significant obstacle for bishops and religious superiors who wanted to initiate a canonical disciplinary process. It has also contributed to the mistaken view that child sexual abuse was a forgivable moral failing rather than a crime that should be reported to police. We recommend that canon law be amended to ensure that the ‘pastoral approach’ is not an essential precondition to the commencement of canonical action relating to child sexual abuse (Recommendation 16.11).

Other aspects of the canon law disciplinary system that should be reformed include the statute of limitations (‘prescription’) on initiating a canon law process, given that many victims take years to disclose their experience of abuse (Recommendation 16.12), and the ‘imputability’ defence, which allows responsibility for a delict to be reduced if the individual has a diagnosis of paedophilia (Recommendation 16.13).

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 recommend 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 (Recommendations 16.14 and 16.55). We also recommend 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 (Recommendations 16.14 and 16.56).

Further, we recommend that decisions of Vatican Congregations and canonical appeal courts with respect to priests and religious accused of child sexual abuse be published in a timely manner (Recommendation 16.16).

## Celibacy

While not a direct cause of child sexual abuse, we are 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 acknowledge that only a minority of Catholic clergy and religious have sexually abused children. However, based on research we conclude 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 psychosexual dysfunction, including psychosexual 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 recommend that the ACBC request that the Holy See consider introducing voluntary celibacy for diocesan clergy (Recommendation 16.18). 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 (Recommendation 16.19). Further, we recommend 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 (Recommendation 16.20).

### 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 psychosexual 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 recommend 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 (Recommendations 16.21 and 16.22). We also recommend that guideline policy documents relating to the formation of clergy and religious be revised to explicitly address child sexual abuse and its prevention (Recommendation 16.23).

We also heard that certain models of formation may be instrumental in inculcating a culture of clericalism. We recommend that the ACBC and Catholic Religious Australia conduct a national review of current models of initial formation (Recommendation 16.24).

## 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. 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 recommend 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 (Recommendation 16.25).

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 recommend the creation of targeted programs for these purposes (Recommendation 16.46).

## Sacrament of reconciliation (confession)

We are 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. Also, the sacrament created a situation where children were alone with a priest. In some cases we heard that children experienced sexual abuse perpetrated by Catholic priests in confessionals.

We recommend 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 (Recommendation 16.48).

We make recommendations in our *Criminal justice* report (Recommendation 33) and in Volume 7, *Improving institutional responding and reporting* (Recommendation 7.3) in relation to the introduction of a ‘failure to report’ offence, and amending laws concerning mandatory reporting to child protection authorities to ensure that people in religious ministry are included as a mandatory reporter group. We also recommend 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 (Recommendation 7.4 and Recommendation 35).

During our public hearings on the Catholic Church, it emerged that Catholic archbishops and canon lawyers 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, and about whether absolution could and should be withheld if a person confessed to perpetrating child sexual abuse, until they report themselves to civil authorities. We recommend that the ACBC seek clarification on these matters from the Holy See, and make public any advice it receives (Recommendation 16.26).

## The Salvation Army

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Three of our case studies examined the responses of The Salvation Army to incidents and allegations of child sexual abuse in its residential institutions, responses to claims for redress made in relation to child sexual abuse, and responses to Salvation Army officers accused of child sexual abuse. These case studies examined responses of The Salvation Army’s Eastern Territory and Southern Territory in Australia. We also held an institutional review hearing which provided an opportunity for The Salvation Army to inform us of its current policies and procedures in relation to child protection and child safe standards, including responding to allegations of child sexual abuse.

As of 31 May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 294 survivors (7.3 per cent) told us about abuse in Salvation Army institutions. The majority (73.1 per cent) were male and 26.9 per cent were female. The average age of victims at the time of first abuse was 10.3 years. Of the 174 survivors who told us about the age of the person who sexually abused them, 126 survivors (72.4 per cent) told us about abuse by an adult and 71 survivors (40.8 per cent) told us about abuse by a child. Some survivors told us about abuse by an adult and by a child. Of the 126 survivors who told us about sexual abuse by an adult, 88.9 per cent said they were abused by a male adult. Of the 274 survivors who told us about the position held by a perpetrator, 7.3 per cent told us about perpetrators who were people in religious ministry. Most survivors told us about perpetrators who were residential care workers (46.4 per cent) or housemasters (20.1 per cent).

## Institutional responses to child sexual abuse in The Salvation Army

In our case studies we heard that in Salvation Army institutions, particularly residential institutions, vulnerable children were preyed upon by those responsible for their care, as well as by other abused and traumatised children. Such abuse was not inevitable, but resulted from the failures of individuals, including many in positions of authority and leadership.

The failure of Salvation Army personnel and leaders to respond appropriately and with compassion when victims had the courage to disclose their experiences of abuse is appalling. In many instances, despite having in place policies and procedures to deal with the discipline of officers and appropriate conduct in relation to children, The Salvation Army failed to follow them. As a consequence, it failed to protect children in its care.

We found that The Salvation Army left some alleged perpetrators in positions where they had access to children despite multiple complaints that they had sexually abused children in their care. Some were transferred to other Salvation Army institutions. While some alleged perpetrators were dismissed from officership in The Salvation Army because of allegations of child sexual abuse, in some cases this was undermined by their later readmission. From our case studies, it appears that allegations of child sexual abuse against Salvation Army personnel were reported to police or other civil authorities by The Salvation Army on only a few occasions.

Victims of child sexual abuse in Salvation Army homes who disclosed that they had been abused were frequently disbelieved or accused of lying, or no action was taken in response to their disclosures. In some cases victims who disclosed sexual abuse were physically punished or further abused as a result. Many survivors who later sought redress, including apologies, from The Salvation Army were disappointed or further traumatised by the manner in which their claims were handled.

## Contributing factors in The Salvation Army

We considered a number of factors that may have contributed to the occurrence of child sexual abuse in Salvation Army institutions or to inadequate institutional responses to such abuse.

Some of these factors were broadly associated with the operation of residential institutions in the period up to the 1990s. This included resourcing constraints that affected both staffing levels and living conditions, impacting the quality of care provided to children. Staff were inadequately trained and complaint handling policies were inadequate or non-existent. Further, there was limited government oversight and poor external accountability of those running Salvation Army residential institutions.

Other contributing factors related to aspects of the organisational culture in which managers of Salvation Army institutions wielded absolute authority over the children in their care. The hierarchical management structure of The Salvation Army contributed to inadequate responses to child sexual abuse. Subordinate officers and staff did not challenge managers about the abuse that they were responsible for, or their response to complaints of child sexual abuse, and children did not have a higher authority from whom to seek help. Within this organisational culture, children were devalued and often treated harshly. Further, as was common across many religious institutions, The Salvation Army's responses to allegations of child sexual abuse were underpinned by a concern for the reputation of the organisation.

## Jehovah's Witnesses

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One of our case studies examined the responses of the Jehovah's Witness organisation to allegations of child sexual abuse. We also held an institutional review hearing to provide an opportunity for the Jehovah's Witness organisation to inform us of its current policies and procedures in relation to child protection and child safe standards, including responding to allegations of child sexual abuse.

As of 31 May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 70 survivors told us about abuse in the Jehovah's Witnesses. Of the victims we heard about, 80.0 per cent were female. The average age of victims at the time of first abuse was 8.4 years. Of the 53 survivors who told us about the age of the person who sexually abused them, 44 survivors (83.0 per cent) told us about abuse by an adult and 12 survivors (22.6 per cent) told us about abuse by a child. A small number of survivors told us about sexual abuse by an adult and by a child. The vast majority of survivors who told us about abuse by an adult perpetrator said they were abused by a male adult.

Of the 65 survivors who told us during private sessions about the role of a perpetrator, 26.2 per cent told us about child sexual abuse by family members. This was considered to be within our Terms of Reference when the sexual abuse was reported to and handled by the religious institution. We also heard from survivors about other perpetrators including volunteers (13.8 per cent), lay leaders (9.2 per cent) and other adults who attended the religious institution (9.2 per cent).

As part of our case study, the Jehovah's Witness organisation provided us with files containing allegations, reports or complaints of child sexual abuse. They provided us with documents relating to at least 1,800 children and over 1,000 alleged perpetrators.

## Institutional responses to child sexual abuse in the Jehovah's Witnesses

Our case study regarding the Jehovah's Witnesses showed that the organisation dealt with allegations of child sexual abuse in accordance with internal, scripturally based disciplinary policies and procedures. We found that at least until 1998, individuals making complaints of child sexual abuse were required to state their allegations in the presence of the person against whom the allegations were made. The 'two-witness' rule applied – that is, wrongdoing could only be established on the basis of testimony from two or more 'credible' eyewitnesses to the same incident (or strong circumstantial evidence testified to by at least two witnesses or testimony of two witnesses to the same kind of wrongdoing). Allegations were investigated by elders, all of whom were men and had no relevant training.

We found that in deciding the sanctions to impose and/or the precautions to take in relation to a known or suspected perpetrator of child sexual abuse, the Jehovah's Witness organisation had inadequate regard for the risk that the person might reoffend. Alleged perpetrators of child sexual abuse who were removed from their congregations as a result of allegations of child sexual abuse were frequently reinstated. We found no evidence of the Jehovah's Witness organisation reporting allegations of child sexual abuse to police or other civil authorities.

During our case study we heard from survivors of child sexual abuse that they were not provided with adequate information by the Jehovah's Witness organisation about the investigation of their allegations, felt unsupported by the elders who handled the allegations, and felt that the investigation process was a test of their credibility rather than that of the alleged perpetrator. We also heard that victims of child sexual abuse were told by congregational elders not to discuss the abuse with others, and that if they tried to leave the organisation, they were 'shunned' or ostracised from their religious community.

## Contributing factors in the Jehovah's Witnesses

We considered a number of factors that may have contributed to the occurrence of child sexual abuse in the Jehovah's Witnesses or to inadequate institutional responses to such abuse.

The Jehovah's Witness organisation addresses child sexual abuse in accordance with scriptural direction, relying on a literal interpretation of the Bible and 1<sup>st</sup> century principles to set practice, policy and procedure. These include the 'two-witness' rule as discussed, as well as the principle of 'male headship' (that men hold positions of authority in congregations and headship in the family). Scripturally, only men can make decisions. Other scripture-based policies include the sanctions of reproof (a form of discipline that allows a perpetrator to remain in the congregation), disfellowshipping (exclusion or excommunication as a form of punishment for serious scriptural wrongdoing), and shunning (an instruction to the congregation not to associate with a disfellowshipped person). As long as the Jehovah's Witness organisation continues to apply these practices in its response to allegations of child sexual abuse, it will remain an organisation that does not respond adequately to child sexual abuse and that fails to protect children.

We recommend that the Jehovah's Witness organisation abandon its application of the two-witness rule in cases involving complaints of child sexual abuse (Recommendation 16.27), revise its policies so that women are involved in processes relating to investigating and determining allegations of child sexual abuse (Recommendation 16.28), and no longer require its members to shun those who disassociate from the organisation in cases where the reason for disassociation is related to a person being a victim of child sexual abuse (Recommendation 16.29).

We welcome the inclusion in the recently published *Child safeguarding policy of Jehovah's Witnesses in Australia* of a requirement to report child sexual abuse to civil authorities in cases where elders consider that a child may still be at risk of harm. The Jehovah's Witness organisation should also amend all of its policies and procedures relating to child sexual abuse to ensure that this requirement is included.

## Australian Christian Churches and affiliated Pentecostal churches

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One of our case studies examined the responses of the ACC and affiliated Pentecostal churches to allegations of child sexual abuse. Specifically, we considered institutional responses to allegations of child sexual abuse made in relation to the Northside Christian College and the Northside Christian Centre in Victoria, the Sunshine Coast Church in Queensland, and the Sydney Christian Life Centre and the Hills Christian Life Centre in New South Wales. We also considered the responses of the ACC and Assemblies of God Australia (AOGA). In addition, we held an institutional review hearing which provided an opportunity for the ACC to inform us of its current policies and procedures in relation to child protection and child safe standards, including responding to allegations of child sexual abuse.

As of 31 May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 37 survivors told us about abuse in Pentecostal institutions. Of the victims we heard about, 67.6 per cent were female and 32.4 per cent were male. The average age of victims at the time of first abuse was 10.6 years. Of the 28 survivors who told us about the age of the person who sexually abused them, the vast majority told us about sexual abuse by an adult and most of those said they were abused by a male adult. Of the 37 survivors, 29.7 per cent told us about perpetrators who were people in religious ministry and 27.0 per cent told us about perpetrators who were volunteers. We also heard about perpetrators who were residential care workers, foster carers or teachers.

## Institutional responses to child sexual abuse in the ACC and affiliated Pentecostal churches

Our examination of the ACC and affiliated Pentecostal churches considered responses to child sexual abuse involving three different perpetrators. In one case an alleged perpetrator was left in a position where he had access to children for a long time after allegations of child sexual abuse were first made. In two other cases conflicts of interest affected the institutional responses to allegations of child sexual abuse.

We found that the senior pastor of the Northside Christian Centre had sufficient knowledge that a teacher posed an unacceptable risk to children at the Northside Christian College from the late 1980s and failed to act to ensure the protection of children. The leadership of the Northside Christian Centre subsequently acknowledged that the 'situation' had been 'completely bungled by the past leadership'. The victims of child sexual abuse did not receive any apology until our case study.

In our consideration of the responses of the Sunshine Coast Church to allegations of child sexual abuse against a youth pastor, we found that the senior pastor who responded to the allegations had a clear conflict of interest because of his personal and family relationships. The Sunshine Coast Church also failed to follow the ACC process to remove the youth pastor's 'credential' or ministry certificate, despite him having been charged with child sexual abuse. The ACC ultimately apologised to the victim and his family for its failure to provide appropriate care and support.

In our consideration of the responses of AOGA to allegations of child sexual abuse against a senior pastor, we found that the National President of AOGA had a conflict of interest when he assumed responsibility for handling the allegations against his father. The AOGA National Executive failed to recognise and respond to this conflict of interest. They did not report the allegations to police or report the disciplinary proceedings to state authorities as required by legislation.



## Contributing factors in the ACC and affiliated Pentecostal churches

We considered factors that may have contributed to the occurrence of child sexual abuse in the ACC and affiliated Pentecostal churches or to inadequate institutional responses to such abuse.

It is apparent that a concern for institutional reputation affected responses to allegations of child sexual abuse by the ACC and its affiliated churches. The role of pastors in ACC-affiliated churches was also a contributing factor. The trust placed in pastors can contribute to their access to children, and the lack of control over who is able to represent themselves as a pastor of the ACC is a weakness in the safety controls that the ACC should have in place to protect children. The inadequate management of conflicts of interest was a further feature in the organisation's poor responses to child sexual abuse.

Perhaps the most significant factor that affected institutional responses to allegations of child sexual abuse was the autonomous nature of Pentecostal churches, which meant that senior pastors had discretion about whether to adopt child protection policies, including in relation to the training, supervision and discipline of staff.

## Yeshiva Bondi and Yeshivah Melbourne

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One of our case studies examined the responses of two Jewish institutions in the Chabad-Lubavitch movement to allegations of child sexual abuse: the Yeshiva Centre and Yeshiva College in Bondi, New South Wales (Yeshiva Bondi) and the Yeshivah Centre and Yeshivah College in Melbourne, Victoria (Yeshivah Melbourne). We also held an institutional review hearing which provided an opportunity for senior members of the Yeshiva Bondi and Yeshivah Melbourne institutions to inform us of their current policies and procedures in relation to child protection and child safe standards, including responding to allegations of child sexual abuse.

As of 31 May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 25 survivors told us about abuse in Jewish institutions. Fifteen of those survivors told us about child sexual abuse in connection with Yeshiva Bondi or Yeshivah Melbourne. Those 15 survivors were all male, they all told us about sexual abuse by males, and most told us about sexual abuse by adult perpetrators. The average age of victims at the time of first abuse was 11.3 years. Most of the perpetrators we heard about were teachers. We also heard about perpetrators who were people in religious ministry (rabbis), ancillary staff at the institutions or volunteers.

## Institutional responses to child sexual abuse in Yeshiva Bondi and Yeshivah Melbourne

In relation to both Yeshiva Bondi and Yeshivah Melbourne, when children or their parents made contemporaneous disclosures of sexual abuse to persons in positions of authority, they were disbelieved or ignored. Alleged perpetrators were either left in positions with continued access to children or were quietly removed from the institution.

At least until the 2000s, those in leadership positions did not report allegations of child sexual abuse to police or other civil authorities. In some cases, the failure of those in positions of authority to act after receiving allegations of child sexual abuse allowed perpetrators to continue to sexually abuse children.

If action was taken in response to allegations of child sexual abuse, this occurred 'in-house'. In two cases, alleged perpetrators of child sexual abuse were allowed to leave Australia after allegations were made against them to persons in positions of authority at Yeshiva Bondi and Yeshivah Melbourne. One of these alleged perpetrators was subsequently convicted of sexual offences against children that were committed overseas.

In the cases we examined, the institutional responses to survivors of child sexual abuse who reported the abuse years after it occurred were dismal. Rather than supporting survivors or assisting them through the process of reporting allegations to police and during and after criminal proceedings, community leaders of Yeshiva Bondi and Yeshivah Melbourne made efforts to silence survivors and to condemn those who would not be silent. Members of the relevant communities shunned survivors and their families, which added to their suffering and may also have deterred other survivors from coming forward. Neither the Yeshiva Bondi nor the Yeshivah Melbourne community leaders provided direct, personal apologies to the survivors who did come forward, either for the child sexual abuse they suffered or for the manner in which the institutions handled their complaints.

## Contributing factors in Yeshiva Bondi and Yeshivah Melbourne

We considered a number of factors that may have contributed to the occurrence of child sexual abuse in Yeshiva Bondi and Yeshivah Melbourne or to inadequate institutional responses to such abuse.

Until at least 2007, Yeshiva Bondi and Yeshivah Melbourne did not have adequate policies, procedures or practices for responding to complaints of child sexual abuse.

In each community, the head rabbi was considered to be the spiritual head of the community. However, there was no overarching external rabbinical authority to which rabbis could be held accountable. A reverence for rabbinical leaders and a lack of oversight contributed to an absence of scrutiny of the rabbis' responses to allegations of child sexual abuse.

The failure to recognise and deal transparently with perceived and actual conflicts of interest contributed to poor governance on the part of the Committee of Management at Yeshivah Melbourne. We found a marked absence of supportive leadership for survivors of child sexual abuse and their families in Yeshivah Melbourne. We also found that the leadership did not create an environment that was conducive to the communication of information about child sexual abuse.

The manner in which some cultural beliefs and practices, including Jewish law concepts, were applied in Yeshiva Bondi and Yeshivah Melbourne contributed to inadequate institutional responses to child sexual abuse. For example, senior leaders at Yeshiva Bondi and Yeshivah Melbourne did not take action to dispel concern, controversy and confusion among the community over the application of the concepts of *loshon horo* (unlawful gossip) and *mesirah* (which prohibits a Jew from informing on another Jew or handing them over to a civil authority) to the reporting of child sexual abuse to civil authorities. During the institutional review hearing, witnesses from Jewish representative bodies and representatives from Yeshiva Bondi and Yeshivah Melbourne unanimously confirmed that the concepts of *loshon horo* and *mesirah* have no application in the case of child sexual abuse. We recommend that all Jewish institutions' complaint-handling policies explicitly state that these concepts do not apply to the communication and reporting of allegations of child sexual abuse to police and other civil authorities (Recommendation 16.30).

## Responses of other key institutions to child sexual abuse in religious institutions

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In some of our case studies on religious institutions, we considered the responses of other types of institutions, such as police, public prosecution agencies and child protection departments, to allegations of child sexual abuse. In some cases we found deficiencies.

In case studies we heard about the limited oversight provided by state and territory child protection authorities of residential institutions managed by religious organisations before 1990. Survivors of child sexual abuse from some residential institutions told us that they rarely saw officers from child protection authorities and when they did, they were not allowed to speak to them. Some survivors told us that when they were able to tell child protection authorities about child sexual abuse perpetrated against them, nothing happened and the abuse continued. We found that reports of some child protection authorities did not adequately comment on the care or welfare of children in residential institutions.

We heard from a number of survivors that they attempted to run away from residential institutions and to report sexual abuse to police. Some survivors told us that police officers told them not to tell lies and returned them to the institution.

In some cases we heard that police investigations were not initiated when a child reported having been sexually abused in a religious institution. In other cases we heard about failures by state police agencies in their conduct of criminal investigations of institutional child sexual abuse. In one case that we examined in detail, we found that senior members of a state police agency deliberately prevented a detective from continuing his investigation into a Catholic priest's sexual offending against children.

## Creating child safe religious institutions

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Over the past two decades, many religious institutions in Australia have improved their approach to child safety, including how they respond to allegations of child sexual abuse. While positive reforms are underway, there is still much progress to be made before the community can be confident that all religious institutions in Australia are as safe for children as possible. To better protect children in future, we have considered how religious institutions should address the factors that we identified as potentially contributing to child sexual abuse and to inadequate institutional responses.

### The Child Safe Standards

In Volume 6, *Making institutions child safe*, we recommend that institutions implement the 10 Child Safe Standards identified by the Royal Commission (Recommendation 6.4 and Recommendation 6.5). In recognition of the crucial role of religious institutions in the lives of many children, we recommend that all religious institutions implement the Child Safe Standards (Recommendation 16.31).

We recognise, however, that setting consistent standards is not enough. There must be mechanisms by which institutions can be held to those standards. We therefore recommend that a new or existing oversight body be appointed as a central regulator of the mandatory Child Safe Standards in each state and territory (Recommendations 6.8, 6.9 and 6.10).

Religious organisations have a responsibility to drive consistent standards in their affiliated institutions. Religious organisations should adopt the Child Safe Standards as nationally mandated standards for each of their affiliated institutions and drive a consistent approach to the implementation of the standards (Recommendations 16.32 and 16.33).

Religious organisations are uniquely positioned to understand the nature of the services their affiliated institutions provide to children, the capacity of those institutions, and the support they may need to provide child safe environments. Religious organisations should work closely with relevant state and territory oversight bodies to support implementation of and compliance with the Child Safe Standards in each of their affiliated institutions (Recommendation 16.34). As part of this approach, we encourage religious organisations to implement a process to measure compliance with the Child Safe Standards in their affiliated institutions, and to make public the results of any internal audits of their affiliated institutions with respect to child safety.

## Addressing child safety in religious institutions

### Leadership

Leaders of religious institutions have a significant role to play in creating and maintaining child safe cultures. It is evident that leaders of the religious institutions we examined were not adequately prepared for what was required of them in preventing and responding to child sexual abuse. Religious leaders should be provided with leadership training, including in relation to the promotion of child safety. They should also 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 (Recommendations 16.36 and 16.37).

### Governance

Our inquiry has revealed how an institution's governance structure can impact the accountability of individuals within it, and the institution's ability to identify and appropriately respond to child sexual abuse. A particular issue was the accountability of religious leaders within governance structures, particularly for the decisions they made with respect to child safety. Governance standards in religious institutions have also been inadequate. We make recommendations aimed at improving governance in religious institutions, including making leaders more accountable and ensuring that governance mechanisms, such as conflict of interest policies, are in place and child-focused (Recommendations 16.38 and 16.39).

### Culture

We heard about cultures in religious institutions that placed the protection of an institution's reputation above the interests of children. We heard about various ways to improve culture in religious institutions. They include prioritising the best interests and safety of children, addressing clericalism, improving leadership and governance, sharing accountability for child safety, enhancing the role of women in decision-making in relation to child safety, embedding a culture of child safety through policies and procedures, and understanding the impacts of child sexual abuse.

## Children's participation and empowerment

Many of our case studies revealed that religious institutions did not listen to children or engage with them about their safety. Many survivors told us about their difficulty in disclosing child sexual abuse within a religious institution.

Improving children's participation and empowerment in religious institutions is essential to addressing some of the barriers to disclosure of abuse that we identified. We recommend that religious institutions provide children in their care with age-appropriate guidance on practical and effective ways to protect themselves, and information about where and how they can complain if they feel unsafe. Prevention education provided by religious institutions should specifically address the role of people in religious ministry, and highlight for children that no one, including a person in religious ministry, has a right to invade their privacy or make them feel unsafe (Recommendation 16.40).

## Family and community involvement

Some religious institutions that we examined effectively operated as closed societies, in relative isolation from the broader community. Information related to child safety was not provided to the religious community. We recommend that religious institutions increase family and community involvement in matters relating to child safety in their institution through a range of mechanisms, including seeking periodic feedback from the community about the effectiveness of their approach to child safety (Recommendation 16.41).

## Human resource management

Ensuring that people in religious ministry are both suitable for their position and supported in their child-related work raises some distinct considerations. The nature of religious ministry requires more rigorous screening, selection, training and management processes for people in religious ministry than for other employees, to ensure that individuals are suitable for and supported in their roles.

In addition to a range of other screening mechanisms, we recommend that religious institutions require candidates to undertake external psychological testing, including psychosexual assessment, to determine their suitability to be a person in religious ministry and to undertake work involving children (Recommendation 16.42).

Candidates for religious ministry need comprehensive initial training on matters relating to child safety. That training should equip candidates with an understanding of the Child Safe Standards and educate them on:

- professional responsibility and boundaries, ethics in ministry and child safety
- policies regarding appropriate responses to allegations or complaints of child sexual abuse, and how to implement these policies
- how to work with children, including childhood development
- identifying and understanding the nature, indicators and impacts of child sexual abuse (Recommendation 16.43).

We heard in our case studies and consultations that oversight and professional supervision of people in religious ministry have not been common. Religious institutions should ensure that all people in religious and pastoral ministry are subject to effective management and oversight and undertake annual performance appraisals. They should also 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. (Recommendations 16.44 and 16.45.)

We also heard that some religious institutions are increasingly recruiting or sourcing personnel from overseas, including candidates for and people in religious and pastoral ministry. Overseas recruitment can raise difficulties for appropriate screening, training, supervision and professional development. Religious institutions that receive personnel from overseas should have targeted programs for the screening, initial training and professional supervision and development of those people (Recommendation 16.46).

## Training and education

Our inquiry revealed failures by religious institutions to ensure that staff, including people in religious ministry, were properly equipped with the skills and knowledge needed to protect children in their institutions. In particular, training on child safety for people in religious ministry has been at times poor or non-existent. We recommend that each religious institution require all people in religious or pastoral ministry, including religious leaders, to 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 16.47).

## Physical environments

The risk of child sexual abuse can increase where an institution's physical environment allows perpetrators to isolate children or to operate without scrutiny. We heard that some children were sexually abused when they were alone with perpetrators in places of worship or while they were participating in religious activities. Some survivors told us they were sexually abused by Catholic priests during confession, which was often held in a confessional or a dedicated private room in a church.

We heard that many Catholic Church authorities have updated their practices in relation to the sacrament of reconciliation (confession) for children, to ensure that it is conducted in an open place, with clear visibility, under the supervision of a teacher, parent or guardian. However, we understand that some Catholic Church authorities are yet to formalise this practice in a written policy, and that some dioceses retain the option of hearing confessions from children in a confessional with the door closed.

Children's participation in religious confession, either in a confessional or a room alone with a member of the clergy, represents an unacceptable risk to children. We recommend that religious institutions which have a rite of religious confession for children implement a policy requiring that the rite only be conducted in an open space within the clear line of sight of another adult (Recommendation 16.48).

## Improving responding and reporting in religious institutions

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In Volume 7, *Improving institutional responding and reporting*, we provide guidance on how institutions should handle complaints about child sexual abuse. We recommend in that volume that institutions should have a child-focused complaint handling policy and procedure (Recommendation 7.7).

### Making complaints to religious institutions

Codes of conduct play an important role in the complaint handling process. They identify behaviour that meets the threshold to warrant a complaint being made. In Volume 7 we recommend that all institutions that engage with children, including religious institutions, have a code of conduct that sets out the behaviour by staff members towards children that the institution considers unacceptable (Recommendation 7.8).

There is a lack of practical detail in some religious institutions' codes of conduct about what constitutes prohibited or concerning conduct, especially on the part of people in religious ministry. We found this to be problematic, particularly given that the status of people in religious ministry can contribute to a belief in the minds of children, parents and people in religious ministry themselves, that the behaviour of people in religious ministry cannot, or should not, be challenged.

There should be clear understanding on the part of people in religious ministry, employees and the broader community about what constitutes unacceptable conduct in an institution. We recommend that codes of conduct in religious institutions should explicitly and equally apply to all people in religious ministry and lay people (Recommendation 16.49). We also recommend that all persons associated with a religious institution undergo initial and periodic training on the institution's code of conduct to ensure that they understand, and can recognise and report, early indicators of potential abuse or 'high-risk behaviour' (Recommendation 16.50).



## Assessing risk and putting temporary safeguards in place

When a complaint of child sexual abuse has been made, the institution should assess the risks associated with the complaint and implement necessary safeguards. A particular issue for religious institutions is risk assessment and effective risk management in relation to people in religious ministry.

Ministerial roles can include a wide range of duties that can be difficult to circumscribe. People in religious ministry can often have both personal and professional relationships with people in their pastoral care.

Our case studies revealed instances where religious institutions allowed alleged perpetrators to continue in ministry after suspicions had been raised or complaints had been received about their conduct, with little or no corresponding risk management or monitoring of their interactions with children. In some instances, the failure to manage the risk associated with a person in religious ministry represented a missed opportunity to prevent further sexual abuse of children.

We recommend that if a complaint of child sexual abuse against a person in religious ministry is plausible and there is a risk that the person may come into contact with children in the course of their ministry, the person be stood down from their ministry while the complaint is investigated (Recommendation 16.52).

We also consider that all religious institutions' complaint handling policies should require that the institution, on receiving a complaint of child sexual abuse, conduct an initial risk assessment to identify and minimise any risks to children (Recommendation 16.51).

## Investigation of complaints

It is apparent from the evidence we received that there are significant issues with the policies and procedures that some religious organisations have in place for investigating complaints of child sexual abuse against people in religious ministry. One of the issues is that certain religious organisations have processes for investigating complaints against people in religious ministry that are different from those for investigating complaints against other people associated with the institution.

Some religious organisations apply their own standards of proof when investigating complaints against people in religious ministry. Some of these standards of proof are high and can be problematic where they prevent the institution from acting to reduce the risk to children.

We recommend that the standard of proof a religious institution should apply when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities. In deciding whether it is more probable than not that the alleged conduct occurred, the institution should have regard to the principles in *Briginshaw v Briginshaw* (Recommendation 16.53).

We also recommend that religious institutions 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 16.54).

## Determining and implementing an outcome

### Decision-making regarding future religious ministry

An issue for religious institutions is how to determine and implement outcomes for complaints of child sexual abuse against people in religious ministry.

Our case studies demonstrated that even when people in religious ministry were found to have sexually abused children, either by an admission or through an investigation, they were not always dismissed from the religious institution.

Some religious institutions are subject to the internal laws of their religious organisation, which contain rules relating to the disciplinary procedures and outcomes that apply to people in religious ministry found to have perpetrated child sexual abuse. Despite this, for all religious institutions the priority and determining factor in dealing with a person who is the subject of a complaint of child sexual abuse must be the minimisation of risks to children.

We consider that any person in religious ministry against whom a complaint of child sexual abuse is substantiated, on the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*, should be permanently removed from ministry. This also applies to a person who is convicted by a court of an offence relating to child sexual abuse (Recommendation 16.55).

Permanent removal from ministry should mean that a person cannot be given any position in which he or she would perform ministry, and that the person is not otherwise permitted to perform any ministerial activities, such as preaching or hearing confessions. The person should also be effectively prohibited from holding themselves out in any way as being a person in religious ministry, including by using a title such as 'priest' or wearing religious apparel or insignia.

### Dismissing a person in religious ministry from a religious organisation and removing their religious status

Some of the religious organisations we examined require people who seek to take on religious ministry to go through a process of ordination or to profess particular vows. In some cases, this has implications for how those people can be dismissed from that organisation or have their status in ministry removed in the event they are convicted of offences relating to child sexual abuse, or they are the subject of a substantiated complaint of child sexual abuse.

In both the Anglican Church and the Uniting Church in Australia, in the event that a complaint of child sexual abuse against an ordained member of clergy is substantiated, those churches can dismiss that cleric from the organisation and depose or withdraw their status in ministry.

In the Catholic Church in Australia, the question of whether a priest or religious who is convicted of an offence relating to child sexual abuse or the subject of a substantiated complaint of child sexual abuse, should be dismissed from the priesthood or religious life has been contentious.

Some of the key arguments we heard from Catholic Church authorities against dismissal were based on their desire to retain some level of oversight and supervision over a perpetrator, while providing them with some material support. We do not consider that this is a sufficient basis to justify allowing priests or religious who commit child sexual abuse to remain in the priesthood or religious life.

People should not be retained in the priesthood or religious life purely for the purpose of maintaining some level of oversight of them, or providing material assistance to them. Supervision and control may be achieved by, for example, making material assistance conditional on compliance with supervision arrangements and other terms.

We recommend that a person in religious ministry who is convicted of an offence relating to child sexual abuse should:

- in the case of Catholic priests and religious, be dismissed from the priesthood and/or dispensed from his or her vows as a religious
- in the case of Anglican clergy, be deposed from holy orders
- in the case of Uniting Church ministers, have his or her recognition as a minister withdrawn
- 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 16.56).

In making this recommendation, we do not seek to discourage any religious organisation if they consider it appropriate and/or necessary to take these steps in relation to a person in religious ministry who is the subject of a substantiated complaint of child sexual abuse, as opposed to a criminal conviction. In many cases, this would be appropriate.

We acknowledge that there are challenges for Catholic bishops and heads of religious institutes who want to have a priest dismissed from the priesthood or have a religious dispensed from their vows. For example, the standard of proof required by the Catholic Church under canon law before this could occur is 'moral certainty', which is equivalent to the standard of 'beyond reasonable doubt' used for criminal conviction in Australian courts. In addition, Catholic Church authorities in Australia need to apply to the Holy See in order to have a priest dismissed from the priesthood or a religious dispensed from their vows.

Nevertheless, given what we have heard about the status of people in religious ministry and the role that status played in enabling the perpetration of child sexual abuse, we consider that there is a need for religious organisations to ensure that this status is removed when a person is convicted of child sexual abuse.

## Managing participation of perpetrators in religious communities

During our case studies and consultations we heard that an issue facing some religious institutions is how to manage the situation in which a person (whether a lay person or a person currently or formerly in religious ministry) who the institution knows has either been convicted of child sexual abuse, or had a complaint of child sexual abuse against them substantiated, wants to attend and/or participate in religious services.

Where a religious institution becomes aware that a person attending its religious services or activities has been convicted or been the subject of a substantiated complaint of child sexual abuse, the religious institution should assess the level of risk posed to children by that person's ongoing involvement in the religious community. If the institution assesses that the risk posed by the person can be adequately managed, they should take appropriate steps to manage that risk (Recommendation 16.57).

If the institution determines that they cannot effectively manage the risk if the person attends services or activities at the institution, it should prioritise the safety of children and prohibit the person from attending and/or participating in services or activities run at the institution.

## Reporting to external authorities

### Mandatory reporting to child protection authorities

In Volume 7, *Improving institutional responding and reporting*, we recommend that state and territory governments amend laws concerning mandatory reporting to child protection authorities to achieve national consistency in those who are required to report. Our recommended reporting groups include people in religious ministry (Recommendation 7.3).

Laws concerning mandatory reporting to child protection authorities should not exempt people in religious ministry from being required to report knowledge or suspicions formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession (Recommendation 7.4).

## Failure to report offences

In our *Criminal Justice* report, we recommend that each state and territory government introduce legislation to create a ‘failure to report’ offence targeted at child sexual abuse in institutional contexts (Recommendation 33). This offence should apply to institutions that operate facilities or provide services to children in circumstances where children are in the care, supervision or control of the institution. Religious institutions that provide services to children come under the scope of this offence.

We recommend that the ‘failure to report’ offence should apply in relation to knowledge or suspicions formed on the basis of information disclosed in or in connection with a religious confession (Recommendation 35).

## Oversight of institutional complaint handling

Independent oversight of institutional complaint handling can improve identification and reporting of institutional child sexual abuse, improve the capacity of institutions to handle complaints, and strengthen institutions’ accountability for and transparency in the way they respond to complaints.

In Australia, the only model for independent oversight of institutional responses to complaints of child abuse and neglect across multiple sectors is known as a reportable conduct scheme. These schemes oblige heads of institutions to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution’s employees, and provide for the oversight body to monitor the way institutions investigate and handle allegations.

In Volume 7, *Improving institutional responding and reporting*, we recommend that state and territory governments establish nationally consistent reportable conduct schemes that include religious institutions (Recommendations 7.9 and 7.12).

## Redress and civil litigation for survivors of child sexual abuse in religious institutions

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In case studies and private sessions we heard from hundreds of survivors about their experiences of redress schemes and processes operated by religious institutions. Some survivors told us that engaging with these schemes was a positive experience. Many others told us their experiences were difficult and led to further harm and re-traumatisation. We also heard from survivors who faced barriers in taking civil action against religious institutions.

In 2015, we released our *Redress and civil litigation* report. This report made recommendations about improving redress and civil litigation for survivors, including the establishment of a single national redress scheme. In 2016, the Australian Government announced that it would lead and operate a national redress scheme, which institutions and governments could opt in to. A number of state and territory governments have also taken steps to address our recommendations on civil litigation.

Providing appropriate redress to survivors and addressing barriers to civil litigation remain important issues for religious institutions. Given that many survivors take years, even decades, to disclose their experience of childhood sexual abuse, religious institutions need to continue to provide avenues through which survivors can obtain justice for past abuse. In our view, this can best be achieved by religious institutions participating in the national redress scheme.

## Current and future approaches to redress by religious institutions

In recent years, a number of the religious institutions we examined during our inquiry have improved the way they provide redress to survivors of child sexual abuse.

We heard that some religious institutions have established new redress schemes that strive to be consistent with recommendations we made in our *Redress and civil litigation* report. Others have attempted to improve the way that existing schemes and processes are administered, including by adopting our interim principles for redress while they await the national redress scheme. Some religious institutions have established new processes and protocols that govern the way they respond to survivors who make direct approaches to them for redress.

A number of survivors of child sexual abuse told us they were upset by the amount of the payments they had received through redress schemes or processes. Since the start of our inquiry, some religious institutions have undertaken to reconsider monetary payments that have been made to survivors through redress schemes or processes or by way of settlement before or during civil action.

In recent years, a number of leaders from religious institutions we examined have sought to provide collective forms of direct personal response to survivors of child sexual abuse and the broader community. This engagement has taken a number of forms, including public apologies, permanent memorials, healing ceremonies and 'prayers of lament'. As the Royal Commission concludes, such collective processes can play a powerful role in healing for survivors and affected communities. However, they will not work in the same way for everyone. Religious institutions need to consult carefully with survivors and communities to ensure that whatever process they adopt is appropriate to the wishes and needs of those parties.

## Civil litigation involving religious institutions

We heard in our case studies and consultations that limitation periods and proper defendant issues – sometimes referred to as technical legal defences – were prominent barriers for survivors attempting to bring civil claims against religious institutions. We made recommendations about these issues in our *Redress and civil litigation* report. Since that time, a number of religious institutions have considered and applied our recommendations. Some told us they will no longer rely on technical legal defences and have taken steps to establish model litigant guidelines, which govern their response to civil claims for compensation for allegations of child sexual abuse.

## Recordkeeping and information sharing by religious institutions

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### Improving recordkeeping by religious institutions

Good recordkeeping is an important part of creating child safe institutions. In Volume 8, *Recordkeeping and information sharing*, we recommend that institutions that engage in child-related work should implement five principles for records and recordkeeping to a level that responds to the risk of child sexual abuse within the institution (Recommendation 8.4).

During our institutional review hearings, we received evidence about current approaches to recordkeeping in religious institutions, including various policies and procedures. In Volume 8, we outline our review of those policies and procedures and set out how approaches, policies and procedures could be strengthened with reference to our five principles on recordkeeping.

In Volume 8, we also recommend that institutions engaging in child-related work, including religious institutions, should retain, for at least 45 years, records relating to child sexual abuse that has occurred, or is alleged to have occurred (Recommendation 8.1).

### Improving information sharing by religious institutions

In Volume 8, we recommend that Australian governments implement nationally consistent information exchange arrangements, in each jurisdiction, for intra-jurisdictional and inter-jurisdictional sharing of information related to children's safety and wellbeing, including information relevant to child sexual abuse in institutional contexts (Recommendations 8.6 and 8.7). We suggest that religious institutions be considered by Australian governments for inclusion in the scheme.

Leaders of religious institutions can promote a culture of information sharing by implementing our Child Safe Standards; improving the guidance and training provided to people in religious ministry, employees and volunteers; and establishing national registers for information sharing.

Registers provide platforms for collecting information and facilitating the exchange of information in a number of sectors across Australia. Registers of people in religious ministry in religious organisations can help to promote children’s safety by alerting institutions to the risk posed by individuals against whom allegations of child sexual abuse have been made, or in respect of whom concerns have been raised. National registers can be key tools in overcoming issues with sharing information relating to people in religious ministry for the purposes of risk management and ensuring children’s safety.

For this reason, we recommend that religious organisations consider establishing national registers that record limited but sufficient information to help affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry (Recommendation 16.58).



# Recommendations

Under our Terms of Reference, we were directed to make appropriate recommendations, including about any ‘policy, legislative, administrative or structural reforms’.

In forming our recommendations on religious institutions, we have been guided, in part, by recommendations made in other volumes of this Final Report and in our previous reports. A number of these recommendations apply to all religious institutions in Australia. Some propose regulatory and legislative reforms which, if implemented by governments, will help prevent child sexual abuse from occurring in religious institutions and where it does occur, will help ensure effective responses. A full list of our recommendations can be found in the Executive Summary of this Final Report.

We have built on this work with recommendations in this volume aimed at addressing common issues arising in religious institutions with respect to child safety. Many of these recommendations apply to all religious institutions in Australia. Others are specific to particular religious institutions, and address unique factors relating to their structure, governance and internal culture.

Some recommendations are relevant to the international leadership of religious organisations that have a global presence and that govern aspects of the institutional response to child sexual abuse from beyond Australia.

The recommendations in this volume are listed below in the order in which they appear in the volume. This means that recommendations regarding particular religious institutions are listed before recommendations made in relation to all religious institutions.

In Volume 17, *Beyond the Royal Commission*, we recommend that major institutions and peak bodies of institutions that engage in child-related work should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission’s recommendations to the National Office for Child Safety through five consecutive annual reports. We recommend that these reports be made publicly available by the National Office. At a minimum, the institutions reporting should include those the subject of the Royal Commission’s institutional review hearings held from 5 December 2016 to 10 March 2017 (Recommendation 17.3). This includes the following: the Anglican Church; the Catholic Church; The Salvation Army; the Jehovah’s Witnesses; Australian Christian Churches and affiliated Pentecostal churches; Yeshiva Bondi and Yeshiva Melbourne; and the Uniting Church.

## Recommendations to the Anglican Church

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Recommendations made to the Anglican Church are set out in Chapter 12 of this volume.

### **Recommendation 16.1**

The Anglican Church of Australia should adopt a uniform episcopal standards framework that ensures that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse.

### **Recommendation 16.2**

The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers:

- a. members of professional standards bodies
- b. members of diocesan councils (otherwise known as bishop-in-council or standing committee of synod)
- c. members of the Standing Committee of the General Synod
- d. chancellors and legal advisers for dioceses.

### **Recommendation 16.3**

The Anglican Church of Australia should amend *Being together* and any other statement of expectations or code of conduct for lay members of the Anglican Church to expressly refer to the importance of child safety.

### **Recommendation 16.4**

The Anglican Church of Australia should develop a national approach to the selection, screening and training of candidates for ordination in the Anglican Church.

### **Recommendation 16.5**

The Anglican Church of Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, 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.

## Recommendations to the Catholic Church

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Recommendations made to the Catholic Church are set out in Chapter 13 of this volume.

### **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 to the Jehovah’s Witness organisation

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Recommendations to the Jehovah’s Witness organisation are set out in Chapter 15 of this volume.

### **Recommendation 16.27**

The Jehovah’s Witness organisation should abandon its application of the two-witness rule in cases involving complaints of child sexual abuse.

### **Recommendation 16.28**

The Jehovah’s Witness organisation should revise its policies so that women are involved in processes related to investigating and determining allegations of child sexual abuse.

### **Recommendation 16.29**

The Jehovah’s Witness organisation should no longer require its members to shun those who disassociate from the organisation in cases where the reason for disassociation is related to a person being a victim of child sexual abuse.

## Recommendations to Jewish institutions

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The recommendation made to Jewish institutions is set out in Chapter 17 of this volume.

### **Recommendation 16.30**

All Jewish institutions in Australia should ensure that their complaint handling policies explicitly state that the *halachic* concepts of *mesirah*, *moser* and *loshon horo* do not apply to the communication and reporting of allegations of child sexual abuse to police and other civil authorities.

## Recommendations to all religious institutions in Australia

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Recommendations to all religious institutions are set out in Chapters 20 to 23 of this volume. All religious institutions in Australia, should implement the following recommendations. As discussed in Part E of this volume, all religious institutions in Australia should also implement relevant recommendations made in other volumes of this Final Report and other Royal Commission reports.

We note that there is some overlap between these general recommendations and the specific recommendations made to the Anglican Church and the Catholic Church. We have made more specific recommendations to those religious organisations because of the particular issues that arise in relation to them.

### **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 psychosexual 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.

# 1 The Royal Commission's work on religious institutions

Any instance of child abuse is a vile and evil thing. Australians know that, and Australians know from the revelations that they've read in recent weeks that too many children have suffered child abuse. They have also seen other adults let them down. They've not only had their trust betrayed by the abuser, but other adults that could have acted to assist them have failed to do so. There have been revelations of child abusers being moved from place to place rather than the nature of their abuse and their crimes being dealt with. There have been too many revelations of adults who have averted their eyes from this evil. I believe in these circumstances that it's appropriate for there to be a national response through a Royal Commission.<sup>1</sup>

**The Hon. Julia Gillard, former Prime Minister**

## 1.1 Introduction

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This volume examines what we learned over the course of our inquiry about institutional responses to child sexual abuse in religious institutions.

This chapter outlines the work we undertook on institutional responses to child sexual abuse in religious institutions, based on the Terms of Reference for our inquiry. It discusses why we focused on religious institutions, which religious institutions we focused on and how we did so. It outlines the key information sources we compiled and used to inform our understanding of child sexual abuse in religious institutions and explains how we formed our recommendations. Finally, this chapter includes a guide to the structure and content of this volume, notes links with other volumes of this Final Report and defines some key terms.

## 1.2 Why we examined religious institutions

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Simply put, I want to live in a culture that does not turn a blind eye to its children. I do not want another child to live what I have. I do not want another person to die because they feel that no one listens, no one believes them, and no one cares. That is abhorrent to me. I am now in a position to have my truth heard and I have sufficiently healed to articulate not just what sexual abuse can do to a child but the additional pain continually inflicted when that abuse is perpetrated by those most trusted by society and those protected by powerful organisations. This has been too widespread and the silence has continued for too long.<sup>2</sup>

**Private session, 'Bridget'**

## 1.2.1 Factors that led to a focus on religious institutions

We selected six types of institution for in-depth examination in this Final Report: children's residential institutions prior to 1990; institutions providing contemporary out-of-home care; schools; sport and recreation institutions; contemporary detention environments; and religious institutions. Factors that influenced the selection of these institution types included:

- the number of allegations of child sexual abuse we received about them
- the significant role they have played, or play, in children's lives
- children's vulnerability to sexual abuse in these institutions – for instance, due to the high-risk nature of the particular environment or the high participation rates of children
- the particular regulatory and governance arrangements in place.

Our particular focus on institutional responses to child sexual abuse in religious institutions was based on a number of factors. These included the following:

- Previous inquiries suggested that many children had been sexually abused in religious institutions, both in Australia and overseas.
- The Royal Commission was established, in part, in response to allegations of child sexual abuse in religious institutions and concerns about inadequate responses to that abuse.
- Our Terms of Reference explicitly identified that religious institutions were among those that 'provide important services and support for children and their families' and emphasised the importance of fully exploring 'claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse'.<sup>3</sup>
- During our inquiry we received more allegations of child sexual abuse in relation to institutions managed by religious organisations than any other management type. Many victims, survivors and their family members and representatives told us about the devastating impacts of the sexual abuse and of poor institutional responses. They spoke about the need for systemic changes to ensure that children engaging with religious institutions would be better protected in future.

Each of those factors is discussed further in the following subsections. In addition, the following influenced our decision to focus on religious institutions:

- Religious institutions have played, and continue to play, an integral role in many children’s lives in various ways. These include the fundamental role of religion in shaping family life for many children in Australia; children’s participation in religious worship and associated activities; children’s attendance at religious schools; children’s placement in residential institutions in the past; and children’s placement in contemporary out-of-home care settings managed by religious institutions. In addition, many children in Australia receive social, welfare, health, cultural and educational services provided by religious institutions.
- High numbers of children have been involved with religious institutions in Australia in various ways. In some contexts, children have been particularly vulnerable to sexual abuse due to a range of factors. In particular, we heard in private sessions that thousands of children experienced sexual abuse in out-of-home care settings and in schools. In both cases much of the abuse we heard about occurred in institutions managed by religious organisations. We also heard that more than a thousand children experienced sexual abuse in places of worship or while participating in religious activities or church-run recreational activities. These activities often took place in unregulated and unsupervised environments, leaving children vulnerable to sexual abuse by perpetrators who, in the eyes of victims and communities, held positions of moral and religious authority. These issues are discussed in Part C, ‘Nature and extent of child sexual abuse in religious institutions’.
- In some cases, religious institutions have not been subject to adequate regulatory regimes in relation to child sexual abuse. In addition, some religious organisations have internal governance structures, arrangements, laws or rules that have led to inappropriate or inadequate responses to child sexual abuse. These issues are discussed in Part D, ‘Institutional responses to child sexual abuse in religious institutions’, and Part E, ‘Creating child safe religious institutions’.

### 1.2.2 Previous inquiries

A number of inquiries by public bodies have previously uncovered and heard accounts of child sexual abuse in Australian institutions. There have also been inquiries into these issues in other countries. Appendix I to Volume 1, *Our inquiry* contains a summary of previous inquiries relevant to our work.

Prior to the establishment of this Royal Commission, other inquiries suggested that many children had been sexually abused in religious institutions, both in Australia and overseas. In many cases there were reportedly institutional failures in preventing and/or responding to child sexual abuse.

Chapter 3, 'Child sexual abuse in the global Catholic Church: early history and previous inquiries' and Chapter 4, 'Overseas inquiries relating to child sexual abuse in religious institutions' discuss previous inquiries in other countries, including the United States, Canada, the United Kingdom, Ireland and the Netherlands. The historical depth and geographical scope of these inquiries indicate that child sexual abuse in religious institutions is an issue of global concern and it is not a recent phenomenon.

Various public bodies in Australia have conducted previous inquiries that considered child sexual abuse in particular religious institutions. Chapter 5, 'Australian inquiries relating to child sexual abuse in religious institutions' provides an overview of major Australian inquiries held between 1995 and 2014. These inquiries revealed a high number of allegations of child sexual abuse in religious institutions across Australia and highlighted some key institutional failings in responding to that abuse.

### 1.2.3 Establishment of the Royal Commission

This Royal Commission was established in part in response to allegations of child sexual abuse in religious institutions and concerns about inadequate institutional responses to that abuse.

Volume 1, *Our inquiry* discusses the circumstances that led the Australian Government to determine there was a need for a national inquiry into child sexual abuse in institutional settings and describes the establishment of the Royal Commission.

The abuse of children in institutional settings, and the reluctance of institutions involved to address the issue, had been the subject of public and parliamentary debate for many years prior to the announcement of the Royal Commission in 2012. There had been repeated calls for governments to respond to the problem of child sexual abuse in institutional contexts. Support for a national inquiry grew over time and gained momentum with the uncovering of a number of examples of poor institutional responses to child sexual abuse. These included responses by religious institutions in Victoria and New South Wales, which were the subject of separate inquiries in 2012.<sup>4</sup>

When the then Prime Minister, the Hon. Julia Gillard, announced the establishment of the Royal Commission in November 2012, she indicated that those inquiries in Victoria and New South Wales had informed her decision that a national response was needed:

The impact for me, clearly, over the past few weeks we've seen revelations in the newspapers and more broadly which really go to the question of cover-up, of other adults not doing what they should have done to come to assist. We also are now in a circumstance where two states have different inquiries on foot and because of the allegations of moving people around, this is something that goes beyond the borders of any one state. I've come to the view in those circumstances that a national approach is best.<sup>5</sup>



In response to questioning, Prime Minister Gillard confirmed that the scope of the inquiry would extend to all religious organisations and other relevant institutions:

It's institutional responses to instances and allegations of child abuse in Australia. We will work of [sic] the specific terms of reference, but this is about children who were in the care of religious organisations, so that's all religious organisations. It's about children who were in state care. It's about children who were in the care of not-for-profit bodies other than religious organisations. It will therefore go as well to the response of children's services agencies and the response of the police.<sup>6</sup>

Major religious groups in Australia responded to the announcement of the Royal Commission in mixed ways. Many responses were supportive and offered cooperation. Others welcomed the announcement but sought to highlight that child sexual abuse was a problem across a range of institutions and in Australian society more generally.

The Australian Catholic Bishops Conference supported the announcement of a Royal Commission:

The President and Permanent Committee of the Australian Catholic Bishops Conference, on behalf of the Australian Bishops, support the announcement by the Prime Minister of a Royal Commission into child sex abuse in our community. This is a serious issue not just for the Catholic Church but for the whole community. As Catholic bishops and as individuals we share the feelings of horror and outrage which all decent people feel when they read the reports of sexual abuse and allegations of cover ups.<sup>7</sup>

However, the Catholic bishops' response also claimed that child sexual abuse was not a systemic problem in the Catholic Church:

Sexual abuse of children is not confined to the Catholic Church. Tragically, it occurs in families, churches, community groups, schools and other organisations. We believe a Royal Commission will enable an examination of the issues associated with child abuse nationally, and identify measures for better preventing and responding to child abuse in our society.

We have taken decisive steps in the past 20 years to make child safety a priority and to help victims of abuse. This includes working closely with police.

While there were significant problems concerning some dioceses and some religious orders, talk of a systemic problem of sexual abuse in the Catholic Church is ill-founded and inconsistent with the facts.<sup>8</sup>

The then Catholic Archbishop of Sydney, Archbishop George Pell, welcomed the announcement of the Royal Commission and indicated that the Catholic Church would cooperate fully. However, he also objected to the extent of child sexual abuse in the Catholic Church being ‘exaggerated’:

We are not interested in denying the extent of misdoing in the Catholic Church. We object to it being exaggerated. We object to being described as the only cab on the rank. We acknowledge simply with shame the extent of the problem and I want to assure you that we have been serious in attempting to eradicate it and deal with it ... This commission will enable those claims to be validated or found to be a significant exaggeration. Obviously we shall cooperate with the royal commission, we’ll cooperate fully.<sup>9</sup>

The Office of the Primate of the Anglican Church of Australia released a statement in which the Anglican Archbishop of Brisbane and then primate, Archbishop Phillip Aspinall, ‘commended the Prime Minister for her decision to establish a royal commission’ and said that ‘a truly federal process was warranted given child sexual abuse crosses State and territory borders, infecting all places where child [sic] live, learn and play, including churches, schools, sporting clubs and families’. The statement continued:

Archbishop Aspinall acknowledged that the royal commission would address shameful failings on the part of institutions, including churches. But a comprehensive, independent examination would also give ordinary Australians a chance to see for themselves the results of a decade-plus reform process instituted across many Anglican dioceses.<sup>10</sup>

The Anglican Church of Australia’s national Standing Committee – made up of representative bishops, clergy and lay people – welcomed the establishment of the Royal Commission. In a media statement, it reaffirmed the ‘church’s commitment to the physical, emotional and spiritual safety and welfare of the children in its care’ and repeated the Anglican Church’s 2004 apology to all children who had been sexually abused by Anglican clergy and church workers:

‘The formal apology was made at a meeting of the national church’s governing body, the General Synod, when it met in 2004’, said Dr Muriel Porter, a Melbourne laywoman and a spokesperson for the Standing Committee. ‘That year the General Synod also put in place a comprehensive range of policies and procedures to ensure that any victims of abuse would receive a prompt, compassionate and appropriate response. As well, it adopted processes to ensure that abuse does not happen again in Anglican churches – that they are safe places for children and other vulnerable people. These processes have been regularly reviewed and updated since then.’

The Standing Committee also ‘welcomed the opportunity the Royal Commission would bring for the Anglican Church of Australia to go back and check once more that it was handling these matters appropriately for the sake of children and for the well-being of all’.<sup>11</sup>

The Salvation Army initially acknowledged the announcement that a Royal Commission would be established, and indicated that it would ‘openly cooperate with the Royal Commission’.<sup>12</sup> It later welcomed the announcement of the Terms of Reference and stated:

The Salvation Army, which is committed to providing the safest possible environment for children under our care, will fully cooperate with the Royal Commission. We also look forward to receiving the recommendations of the Royal Commission in due course.<sup>13</sup>

In its ‘Values Statement’, released shortly after the Royal Commission’s Terms of Reference were announced, the Uniting Church in Australia welcomed the decision to establish a Royal Commission into the sexual abuse of children in ‘both public and church institutions’ and pledged ‘to cooperate fully and honestly with the process’.<sup>14</sup> The Uniting Church indicated that it would ‘not hide from the truth, however painful that may be’ and that it would ‘seek, with compassion and humility, to address whatever issues and challenges may emerge’.<sup>15</sup>

The Executive Council of Australian Jewry (ECAJ) welcomed the announcement of the Royal Commission and called on ‘anybody with knowledge of instances of alleged child sexual abuse in any institution to co-operate fully with the Royal Commission, and for the families, friends and advisers of alleged victims to give them every support’.<sup>16</sup> The ECAJ’s then president, Dr Danny Lamm, noted that the ‘sexual, physical and psychological abuse of children is a pervasive problem in Australian society, and probably all societies’ and that it is ‘certainly not limited to any one institution or segment of society’.<sup>17</sup> The statement also recalled that:

Allegations of sexual abuse concerning a small section of the Jewish community in Melbourne surfaced in July 2011. In response, the ECAJ together with the Jewish Community Council of Victoria, the Organisation of Rabbis of Australia and the Rabbinical Council of Victoria issued a joint statement calling on ‘all alleged victims to come forward and provide the police with any relevant information they may have and do everything to assist the police with their enquiries’.

‘Anyone found to have betrayed the trust of children under their care or supervision must be held to account to the full extent of the law’, the statement continued. ‘The abuse of children in any way, be it physical, sexual, emotional or psychological, is abhorrent, particularly when it is perpetrated by those in positions of trust and authority. All claims of abuse must be treated with the utmost seriousness.’<sup>18</sup>

Each of the religious groups whose responses are noted above were among those later examined in Royal Commission case studies.

## 1.2.4 Our Terms of Reference

On 11 January 2013, the Governor-General of the Commonwealth of Australia issued Letters Patent appointing the Royal Commission and setting out Terms of Reference for our inquiry.<sup>19</sup> Each state government also issued Letters Patent in the same or similar terms. Establishing the Royal Commission in this way meant that there were in effect seven concurrent commissions of inquiry which were authorised to inquire into institutional responses to child sexual abuse.<sup>20</sup>

Our Terms of Reference commenced by recognising Australia's international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual and other forms of abuse. They went on to recognise that all forms of child sexual abuse are a gross violation of children's rights.

Our Terms of Reference required that we 'inquire into institutional responses to allegations and incidents of child sexual abuse and related matters'. In carrying out our inquiry, we were directed to focus on systemic issues, informed by an understanding of individual cases, and to assess the adequacy and appropriateness of responses by institutions and their officials to reports, allegations, incidents and risks of child sexual abuse.

An 'institution' was defined broadly and included, for example, any entity that 'provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children'. Child sexual abuse outside institutional contexts (for example, within the family) was excluded.

Our Terms of Reference explicitly identified that religious institutions were among those that 'provide important services and support for children and their families'. They indicated the importance of fully exploring 'claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse'.

We were required to make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

Volume 1, *Our inquiry* outlines in further detail the scope of our inquiry, as defined by our Terms of Reference. This volume draws together the findings, conclusions and recommendations from our in-depth examination of institutional responses to child sexual abuse in religious institutions.

## 1.2.5 Allegations of child sexual abuse received by the Royal Commission

One of the key reasons for our focus on religious institutions was that we received more allegations of child sexual abuse in relation to institutions managed by religious organisations than any other management type.

As of 31 May 2017, 15,249 people had contacted us about child sexual abuse that fell within our Terms of Reference. Of these, 7,382 people (48.4 per cent) told us about child sexual abuse in institutions managed by religious organisations. Many of those who contacted us went on to attend a private session with a Commissioner. As of 31 May 2017, we had heard from 6,875 survivors in private sessions, 4,029 (58.6 per cent) of whom told us about child sexual abuse in institutions managed by religious organisations.<sup>21</sup> Just under one-third (32.0 per cent) told us about child sexual abuse in institutions under government management. Just over one in ten survivors (10.4 per cent) told us about child sexual abuse in institutions that were not under government or religious management.<sup>22</sup>

In all private sessions, the institutions that survivors told us about provided a wide range of services and activities. Survivors most frequently told us about child sexual abuse in institutions that provided out-of-home care (2,858 survivors or 41.6 per cent), education (2,186 survivors or 31.8 per cent) and religious activities (1,000 survivors or 14.5 per cent).<sup>23</sup>

Institutions providing out-of-home care and education were managed by a range of religious, government and other organisations. In the case of both education and out-of-home care, in private sessions many survivors told us about child sexual abuse that took place in institutions managed by religious organisations:

- Of the 2,858 survivors who told us about child sexual abuse in various out-of-home care settings, 1,516 survivors (53.0 per cent) told us about abuse in out-of-home care settings managed by religious organisations. The proportion was higher in relation to residential institutions – of the 2,158 survivors who told us about child sexual abuse in residential institutions before 1990, 1,419 survivors (65.8 per cent) told us about child sexual abuse in residential institutions managed by religious organisations.
- Of the 2,186 survivors who told us about child sexual abuse in schools, 1,570 survivors (71.8 per cent) told us about child sexual abuse in schools managed by or affiliated with religious organisations.

We heard from 1,000 survivors in private sessions about child sexual abuse that occurred in places of worship, or during religious activities such as Bible study, Sunday school or while serving as altar boys. We heard from some survivors about experiencing child sexual abuse in family homes. In some cases this abuse was perpetrated by people in religious ministry. In other cases it was perpetrated by religious family members of victims. This sexual abuse was considered to be within our Terms of Reference when it was reported to and handled by the relevant religious institution.

An additional 66 survivors told us in private sessions about child sexual abuse that occurred during recreational activities affiliated with religious organisations. This abuse was most commonly connected with church-run camps and youth groups.

Volume 2, *Nature and cause* and Part C of this volume provide further information about the victims and survivors we heard from and the institutions and perpetrators we heard about over the course of our inquiry.

Because we received more allegations of child sexual abuse in relation to institutions managed by religious organisations than any other management type, we considered the features of religious institutions and communities that may have affected the nature and extent of that abuse. We also considered the factors present in religious institutions that may have contributed to inadequate institutional responses to child sexual abuse.

Many survivors told us about the devastating impacts of the child sexual abuse they experienced in religious institutions and the compounding impacts of the often totally inadequate and inappropriate responses to that abuse. They spoke about the need for systemic changes to ensure that children engaging with religious institutions would be better protected in future.

‘Ted’, a former child migrant who told us in a private session about the abuse he suffered at a Christian Brothers home in Western Australia, said:

It haunts you to look back at some of the appalling things you saw or experienced, but if it means that next generation of kids is going to be protected, then I’ll do my best with whatever air I’ve got left in my lungs. Let it be set in concrete: no child can ever be open to abuse and cruelty and deprivation as we poor unfortunates were.<sup>24</sup>

Ms Shelly Braieoux, who gave evidence in a public hearing about being a survivor of child sexual abuse in a religious institution, told us:

The only positive thing that has come out of being a victim of sexual abuse is that I have been given an opportunity by the Royal Commission to assist fellow survivors ... We should not be ashamed of what has happened to us – it is not our sin. The sin rests with the abuser, the religious institutions and the individuals that have allowed the abuse to continue.<sup>25</sup>

We acknowledge the immense strength and courage of victims and survivors, and their family members and representatives, in coming forward to share their experiences. We thank them for their critical and immeasurable contribution to our work.

## 1.3 Which religious institutions we focused on

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the Church leadership and the Truth, Justice and Healing Council published, at the start of this Commission in 2013, what has become known as the Catholic Church's Commitment Statement. In it, for the first time anywhere in the world, bishops and religious leaders as one made a comprehensive acknowledgment of the crimes and cover-ups of the past. Together they offered an unqualified apology to survivors of sexual abuse. This apology included accepting that too often victims had not been believed, that the interests of the Church had been put ahead of young children, and that the might of the Church had, in many cases, been used to silence and oppress them for many years.<sup>26</sup>

**Mr Francis Sullivan, Chief Executive Officer, Truth, Justice and Healing Council**

Over the course of our inquiry, thousands of people contacted us about child sexual abuse in many different religious institutions across Australia. Some people told us about their experiences over the phone, others provided written accounts, and many went on to attend a private session with a Commissioner. The subsections below outline the religious institutions we heard about most frequently in private sessions, those we examined in public hearings and those focused on in this volume. Our broader work and information sources on religious institutions are discussed in Section 1.4.

### 1.3.1 Religious institutions raised in private sessions

As of 31 May 2017, we had heard from 4,029 survivors in private sessions about child sexual abuse in religious institutions in Australia.

The largest proportion of those related to Catholic institutions. We heard from 2,489 survivors about child sexual abuse in Catholic institutions, representing almost two-thirds (61.8 per cent) of survivors who told us about child sexual abuse in religious institutions and more than one-third (36.2 per cent) of all survivors we heard from in private sessions. We heard about child sexual abuse occurring in 964 different Catholic institutions.

We also frequently heard in private sessions about child sexual abuse in Anglican institutions (594 survivors and 244 institutions) and Salvation Army institutions (294 survivors and 64 institutions).

In addition, we heard in private sessions from survivors of child sexual abuse in institutions managed by or affiliated with various Protestant churches (169 survivors and 57 institutions),<sup>27</sup> Presbyterian and Reformed churches (117 survivors and 40 institutions), the Uniting Church (97 survivors and 50 institutions), the Jehovah's Witnesses (70 survivors and 57 institutions), the Baptist Church (40 survivors and 30 institutions), Pentecostal churches (37 survivors and 30 institutions), the Brethren (33 survivors and 12 institutions), Churches of Christ (29 survivors and 21 institutions), the Seventh-day Adventist Church (25 survivors and 21 institutions), the Lutheran Church (22 survivors and 12 institutions), the Church of Jesus Christ of Latter-day Saints (seven survivors and six institutions); and in Jewish institutions (25 survivors and 10 institutions).

Religious institutions raised by fewer than five survivors in private sessions included Eastern Orthodox churches, Oriental Orthodox churches, Islamic, Baha'i and Hindu institutions and others.<sup>28</sup>

Chapter 6, 'The extent of child sexual abuse in religious institutions', provides further information about the religious institutions we heard about in private sessions and also discusses the limitations of information gathered from private sessions. In particular, it is not clear to what extent the experiences of people who attended private sessions represent the experiences of survivors of child sexual abuse in institutional contexts who did not contact us.

Some of the religious institutions we heard about in private sessions became the subject of detailed examination in public hearings, as discussed below. While we could not hold public hearings on all of the religious institutions reported to us, the information provided to us about those institutions in private sessions – and in other verbal and written accounts – informed our understanding of the nature of child sexual abuse in religious institutions and failures in the institutional responses to that abuse.

### 1.3.2 Religious institutions examined in public hearings

#### Which religious institutions we examined in public hearings

We held 57 public hearings over the course of our inquiry. This included 30 dedicated case studies that examined responses to child sexual abuse in religious institutions: 15 examined Catholic institutions, seven examined Anglican institutions and three examined institutions managed by The Salvation Army. In addition, dedicated case studies examined institutions managed by or affiliated with each of the following: the Uniting Church, the Jehovah's Witnesses, Australian Christian Churches (ACC) and affiliated Pentecostal churches, Yeshiva Bondi and Yeshiva Melbourne (religious institutions forming part of the Chabad-Lubavitch movement of Orthodox Judaism), and the Australian Indigenous Ministries (formerly the Aborigines Inland Mission, a non-government and interdenominational faith ministry).



We also held public hearings that examined responses to child sexual abuse in schools and out-of-home care and by disability service providers; the criminal justice system; and redress and civil litigation. Some of these public hearings considered specific examples of responses to child sexual abuse in religious institutions, including institutions managed by or affiliated with the Catholic Church, the Anglican Church, The Salvation Army and the Uniting Church.

Finally, towards the end of our inquiry we held a series of institutional review hearings involving most of the religious institutions that had previously been examined in case studies. These hearings considered updated information from religious institutions about reforms implemented since our case studies and examined some of their child protection policies and procedures. The review hearings, particularly for the Catholic Church, the Anglican Church and The Salvation Army, also considered some of the key factors that may have contributed to child sexual abuse and to inadequate institutional responses.

The public hearings relating to religious institutions are discussed in Section 1.4.1.

## How we decided which religious institutions to examine in case studies

We carefully selected the matters we examined in our dedicated case studies on religious institutions.

Over the course of our inquiry, through private sessions and verbal and written accounts, we heard about child sexual abuse occurring in 2,430 religious institutions in Australia. In private sessions alone, we heard about child sexual abuse occurring in 1,691 religious institutions. There were necessary limits on our time and resources, and it was not possible to examine in case studies all of the religious institutions we heard about.

We considered a number of key factors in deciding which religious institutions to examine in case studies. They included the following:

- We aimed to provide a broad understanding of the problems that have existed across different types of religious institutions and in different parts of Australia. Our case studies examined religious institutions in every state and territory and in metropolitan, rural and regional areas. We considered child sexual abuse that took place in a range of settings, including in religious schools, residential institutions managed by religious organisations and places of worship; during religious activities such as altar boy duties and Sunday school; and during recreational activities such as church-run youth camps.
- We aimed to ensure that we bore witness to the often horrific and life-altering experiences of those who suffered sexual abuse as children in religious institutions. In our public hearings we heard from victims, survivors and their family members and representatives.

- We aimed to focus on those religious institutions which we received the most allegations about, or in relation to which particular systemic issues arose. As discussed above, in private sessions we most frequently heard about child sexual abuse in institutions managed by or affiliated with the Catholic Church, the Anglican Church and The Salvation Army. We held multiple case studies on each of these.
- We aimed to highlight a broad range of systemic issues in religious institutions relating to both the nature of the abuse and the institutional responses. In some cases, despite hearing a relatively small number of allegations in private sessions, we decided to hold case studies to highlight systemic issues arising in particular religious institutions. This was the case for the Jehovah's Witnesses and for particular Pentecostal churches and Jewish institutions.
- We had to consider whether relevant records and documents were available, whether victims and survivors were willing to give evidence and whether institutional witnesses were available.

Our Terms of Reference stated that we were not required to inquire into matters that were likely to be sufficiently dealt with by another inquiry, investigation or proceeding.<sup>29</sup> In some cases, we received allegations of child sexual abuse relating to a particular religious institution, but, based on our Terms of Reference and other factors discussed above, we decided not to hold a case study. In some cases, we decided not to focus on matters that had been considered by previous inquiries. In other cases, there were criminal investigations or prosecutions underway and, in line with our Terms of Reference, we decided not to hold public hearings where to do so may have prejudiced that work.<sup>30</sup> This was the case with a number of Catholic Church authorities, including the St John of God Brothers, the De La Salle Brothers, the Salesians of Don Bosco and the Congregation of the Mission (Vincentians).

In some cases, members of the community raised particular issues of concern about religious institutions or practices with us and, in line with the factors set out above, we did not examine them in case studies. In particular, the limits on our time and resources meant that we were not able to hold case studies on institutions or practices that were only raised with us by a very small number of people. For example, we did not hold case studies on Islamic, Hindu or Buddhist institutions, largely due to the limited number of allegations we received about them. Of the 6,875 survivors we heard from in private sessions up to 31 May 2017, we did not hear from any survivors of child sexual abuse in Buddhist institutions, and fewer than five survivors told us about child sexual abuse in Islamic institutions and in Hindu institutions.<sup>31</sup> We did not consider the internal governance systems of religions whose institutions we did not examine in a case study. However, as discussed below, our general recommendations are directed to all religious institutions in Australia.

### 1.3.3 Religious institutions considered in this volume

This volume draws on the various information sources discussed in Section 1.4, including information relating to the broad range of religious institutions reported to us. In this volume, unless otherwise indicated, our discussion is intended to relate to all religious institutions in Australia – including those that we did not examine through case studies.

Some parts of this volume focus on information we gathered on particular religious institutions during case studies and private sessions. In particular:

- Part C considers the nature and extent of child sexual abuse in religious institutions. It discusses, at a high level, the quantitative information we gathered from private sessions in relation to child sexual abuse in all religious institutions. It provides detailed breakdowns of this quantitative information in relation to the Catholic Church, the Anglican Church, The Salvation Army, the Uniting Church, the Jehovah’s Witnesses, Pentecostal churches and Jewish institutions.
- Parts C and D focus their substantive discussion of information from our case studies on those that examined the Catholic Church, the Anglican Church, The Salvation Army, the Jehovah’s Witnesses, ACC and affiliated Pentecostal churches, and Yeshiva Bondi and Yeshivah Melbourne.

Parts C and D do not include substantive discussion of the following institutions that were examined in case studies, as they are considered in other volumes of this Final Report:

- Australian Indigenous Ministries. In *Case Study 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home (Retta Dixon Home)*, we examined responses to allegations of child sexual abuse at the Retta Dixon Home in the Northern Territory. Our findings are set out in detail in the case study report.<sup>32</sup> Part C draws on limited information from this case study, and our learnings are examined more fully in Volume 11, *Historical residential institutions*.
- The Satyananda Yoga Ashram. In *Case Study 21: The response of the Satyananda Yoga Ashram at Mangrove Mountain to allegations of child sexual abuse by the ashram’s former spiritual leader in the 1970s and 1980s*, we examined the response of the Satyananda Yoga Ashram in New South Wales to allegations of child sexual abuse. Our findings are set out in detail in the case study report.<sup>33</sup> Our learnings from this case study are discussed in Volume 14, *Sport, recreation, arts, culture, community and hobby groups*.

- The Uniting Church in Australia. In *Case Study 23: The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wahroonga, New South Wales (Knox Grammar School)*, we examined responses to child sexual abuse at Knox Grammar School. Our findings are set out in the case study report.<sup>34</sup> These largely focused on the response by the school, as the Uniting Church played a limited role in the school's management and operation. We also considered a school affiliated with the Uniting Church – Shalom Christian College in Townsville, Queensland – during *Case Study 45: Problematic and harmful sexual behaviours of children in schools (Harmful sexual behaviours of children in schools)*.<sup>35</sup> Our learnings from these case studies are discussed in Volume 13, *Schools*. Part C of this volume draws on information from private sessions relating to Uniting Church institutions, and Part E draws on information provided during *Case Study 56: Institutional review of Uniting Church in Australia (Institutional review of Uniting Church in Australia)* regarding the child protection policies and procedures of the Uniting Church.
- Anglican schools. In a number of case studies we examined responses to allegations of child sexual abuse in schools managed by or affiliated with the Anglican Church. These case studies are listed in Section 1.4.1, and our findings are set out in the associated case study reports. In some of these schools the Anglican Church played a limited role in the school's management and operation. This applied in relation to an independent school in Perth, Western Australia, examined in *Case Study 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009 (Perth independent school)*; Geelong Grammar School in Victoria, examined in *Case Study 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students (Geelong Grammar School)*; and Trinity Grammar School and The King's School in New South Wales, examined in our *Harmful sexual behaviours of children in schools* case study.<sup>36</sup> This volume draws on limited information from those case studies, and our learnings are discussed in Volume 13, *Schools*.

## 1.4 How we examined religious institutions

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As a sibling of a family member, Michael, who has an intellectual disability, who endured many years of sexual abuse by a religious order, I firstly want to thank the Commissioners for their enduring work that has allowed the many voices of victims to be heard but, more importantly, has brought institutional sexual abuse into the public domain, shattered the secrecy, given victims and families hope that change will occur and that we will never see this again.<sup>37</sup>

**Sibling of survivor, Ms Aileen Ashford**

### 1.4.1 Information sources

We have drawn on the various information sources we compiled over the course of our inquiry in preparing this volume. Those sources are outlined below and include public hearings, private sessions and written accounts, policy and research work, roundtables, data surveys, other investigations, community engagement and engagement with religious institutions.

#### Public hearings

Volume 1, *Our inquiry* discusses the practice guidelines and processes we followed in conducting our public hearings, including issuing notices or summonses to produce documents or data, publishing the scope and purpose of each hearing, selecting witnesses, tendering documents, hearing applications for leave to appear, supporting and protecting witnesses, hearing evidence and submissions, reaching findings and releasing case study reports.

Over the course of our inquiry we held dedicated case studies that examined responses to child sexual abuse in religious institutions. We also held public hearings on responses to child sexual abuse in schools and out-of-home care and by disability service providers; the criminal justice system; and redress and civil litigation. Some of these hearings considered examples of responses to child sexual abuse in religious institutions. Finally, we held public review hearings involving most of the religious institutions that had previously been examined in case studies. These various hearings are discussed below.

#### **Public hearings: dedicated case studies on religious institutions**

We held 30 dedicated case studies that examined responses to child sexual abuse in religious institutions. During our case studies we examined in detail the responses of religious institutions to particular incidents and allegations of child sexual abuse. We did this by considering documentary evidence and by hearing from a broad range of witnesses.

Survivors appeared as witnesses in most of our public hearings into religious institutions. They told us about their experiences of being sexually abused as children, the responses they received when they tried to disclose the abuse and the ongoing impacts of both the abuse and those responses.

One survivor, CKA, who spoke of being sexually abused by an Anglican priest, Father George Parker,<sup>38</sup> gave evidence during a public hearing that:

Every single day of my life has been filled with the sexual abuse I experienced as a child. While the abuse was horrendous, at least it's over. It is the impact of the Church's response that is ongoing. I cannot get over the sheer frustration of dealing with bishops and clergy who I believe knew full well what [Father Parker] was doing and yet did nothing ... I have found the process of dealing with the Church as abusive as the sexual abuse itself.<sup>39</sup>

We also heard from victims' and survivors' spouses, family members and representatives about the broader impacts of the child sexual abuse and about their experiences of trying to obtain various forms of redress or justice.

Mrs Audrey Nash, whose son Andrew died by suicide when he was 13 years old, gave evidence during a public hearing when she was aged 90. She told us that she had been devastated by the experience of her sons, Andrew and CQT, and equally devastated by the institutional response:

I spent my whole life committed to my Church and working for the Catholic Church. At my time of greatest need, after Andrew died, the only pastoral response I got from the Church was Father Hart telling me that sexual abuse of boys has been going on for thousands of years.

I don't go to Church now. I still have my beliefs, but I am appalled at the lack of empathy, the lack of support and the lack of concern for all of the people affected by child sexual abuse. I am disgusted by the efforts of the Church to cover up the abuse and to protect the abusers.

I have been devastated by what happened to [CQT] and Andrew, and my children and I have been just as devastated by the reaction of all of the members of the Catholic Church. I have been left feeling empty.<sup>40</sup>

These experiences were important for us to hear and learn from; but it was equally important for them to be heard by those who have represented religious institutions in the past or who do so now. This was acknowledged by some of those who appeared during our public hearings. For example, Ms Anne Hywood, General Secretary of the General Synod of the Anglican Church of Australia, said:

We have been humbled by the survivors who have been prepared to relive the pain of telling their stories in these public hearings. It is through their telling that we have more deeply understood where we have failed. We are sorry that they have had to bear this responsibility, but we are thankful for their courage.<sup>41</sup>

In public hearings we heard from a range of representatives from the religious institutions we examined. These included senior religious leaders and people in religious ministry, staff members from religious charities and companies, personnel from redress programs, lawyers that acted for religious authorities, executives of education bodies, and principals and teachers in religious schools. In some public hearings we heard from witnesses from other key institutions, such as state police, public prosecution authorities and child welfare bodies. We also heard from experts and professionals such as psychologists, medical professionals, child protection experts, and academics and researchers with expertise in child sexual abuse in religious institutions.

In a small number of public hearings we heard from perpetrators of child sexual abuse in religious institutions. While information provided by perpetrators may have been confronting, it was an important contribution to our understanding of institutional child sexual abuse.

Some or all of the Commissioners sat in each public hearing. In reaching findings in our case studies on religious institutions, Commissioners applied the civil standard of proof. This standard required their 'reasonable satisfaction' as to the particular fact in question, in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336:

it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal ... the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.<sup>42</sup>

After each public hearing held as part of a case study into a religious institution, Counsel Assisting made written submissions setting out the evidence and the findings available to Commissioners based on that evidence. The submissions were provided to parties with leave to appear and to those who were at risk of an adverse finding, allowing them an opportunity to respond. The submissions were usually subject to a non-publication order until all parties had replied. Once that order was lifted they were published on our website.

The findings of the Commissioners from case studies are set out in case study reports. A full list of case study reports is set out in Appendix E to Volume 1, *Our inquiry*. Case study reports were submitted to the Governor-General, the governor of each state and the chief ministers of the territories, tabled in the Commonwealth Parliament, and most were made publicly available.

In relation to some case studies, criminal proceedings commenced before, during or after the completion of our evidence and before the finalisation of our case study report. Our Terms of Reference required that our inquiry not prejudice current or future criminal or civil proceedings.<sup>43</sup>

Consequently, in three case study reports we made redactions to material that might prejudice relevant criminal proceedings. We recommended to the Australian Government and to state and territory governments that the redacted version of each of those case study reports be tabled and published. We further recommended that those case study reports be published in unredacted form at the conclusion of relevant criminal proceedings.<sup>44</sup> Where we refer in this Final Report to case study reports which have been tabled with redactions, we apply the same redactions in this Final Report. We recommended that relevant parts of this Final Report be published in unredacted form at the conclusion of relevant criminal proceedings.

In two case study reports, redactions would not have been sufficient to address potential prejudice to relevant criminal proceedings. In relation to those case study reports, we recommended to the Australian Government and to state and territory governments that they not be tabled and published until the conclusion of relevant criminal proceedings.<sup>45</sup> In this Final Report we refer to transcripts and exhibits from those two case studies where that material does not prejudice relevant criminal proceedings.

The section below lists our dedicated case studies on religious institutions. We have drawn on the extensive body of information gathered through our case studies in preparing this volume.

## **Catholic Church**

The 15 case studies that examined Catholic institutions considered responses to incidents and allegations of child sexual abuse occurring in schools, residential institutions, places of worship and during religious activities. These case studies are listed in Table 16.1. We also considered a Catholic school during our *Harmful sexual behaviours of children in schools* public hearing, discussed later. Institutional responses to child sexual abuse in Catholic institutions are discussed in detail in Chapter 13, 'Catholic Church'.



**Table 16.1 – Case studies on Catholic institutions**

Case study No	Case study title
4	<i>The experiences of four survivors with the Towards Healing process</i> <sup>46</sup>
6	<i>The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes</i> <sup>47</sup>
8	<i>Mr John Ellis’s experience of the Towards Healing process and civil litigation</i> <sup>48</sup>
9	<i>The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann’s Special School</i> <sup>49</sup>
11	<i>Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf, St Mary’s Agricultural School Tardun and Bindoon Farm School</i> <sup>50</sup>
13	<i>The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton</i> <sup>51</sup>
14	<i>The response of the Catholic Diocese of Wollongong to allegations of child sexual abuse, and related criminal proceedings, against John Gerard Nestor, a priest of the Diocese</i> <sup>52</sup>
16	<i>The Melbourne Response</i> <sup>53</sup>
26	<i>The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph’s Orphanage, Neerko</i> <sup>54</sup>
28	<i>Catholic Church authorities in Ballarat</i> <sup>55</sup>
31	<i>The evidence of retired Bishop Geoffrey Robinson regarding the history and development of the Catholic Church’s response to child sexual abuse prior to the introduction of Towards Healing</i> <sup>56</sup>
35	<i>Catholic Archdiocese of Melbourne</i> <sup>57</sup>
41	<i>Institutional responses to allegations of the sexual abuse of children with disability</i> <sup>58</sup>
43	<i>The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious</i> <sup>59</sup>
44	<i>The response of the Catholic Dioceses of Armidale and Parramatta to allegations of child sexual abuse against a priest</i> <sup>60</sup>

## Anglican Church

Institutional responses to child sexual abuse in Anglican institutions are discussed in detail in Chapter 12, 'Anglican Church'.

The seven dedicated case studies that examined Anglican institutions considered responses to incidents and allegations of child sexual abuse occurring in schools, residential institutions and places of worship and during religious and recreational activities. These case studies are listed in Table 16.2. We also considered schools affiliated with the Anglican Church during our *Harmful sexual behaviours of children in schools* public hearing, discussed later.

As noted in Section 1.3.3, some of these case studies considered schools affiliated with the Anglican Church where the church played a limited role in the school's management and operation. This volume draws on limited information from those case studies, and our learnings are discussed more fully in Volume 13, *Schools*.

**Table 16.2 – Case studies on Anglican institutions**

Case study No	Case study title
3	<i>Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home</i> <sup>61</sup>
12	<i>The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009</i> <sup>62</sup>
20	<i>The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school</i> <sup>63</sup>
32	<i>The response of Geelong Grammar School to allegations of child sexual abuse of former students</i> <sup>64</sup>
34	<i>The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse</i> <sup>65</sup>
36	<i>The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse</i> <sup>66</sup>
42	<i>The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse</i> <sup>67</sup>

## The Salvation Army

The three dedicated case studies that examined The Salvation Army considered responses to incidents and allegations of child sexual abuse in its residential institutions, responses to claims for redress made in relation to child sexual abuse, and responses to Salvation Army officers accused of child sexual abuse. These case studies are listed in Table 16.3 and discussed in Chapter 14, ‘The Salvation Army’.

**Table 16.3 – Case studies on The Salvation Army**

Case study No	Case study title
5	<i>Response of The Salvation Army to child sexual abuse at its boys’ homes in New South Wales and Queensland</i> <sup>68</sup>
10	<i>The Salvation Army’s handling of claims of child sexual abuse 1989 to 2014</i> <sup>69</sup>
33	<i>The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children’s homes that it operated</i> <sup>70</sup>

## Uniting Church

One dedicated case study examined the response of the Uniting Church to incidents and allegations of child sexual abuse at Knox Grammar School – a school affiliated with the Uniting Church. This was the *Knox Grammar School* case study.<sup>71</sup> As discussed above, our findings in this case study largely focused on the response of Knox Grammar School, as the Uniting Church played a limited role in the school’s management and operation. We also considered a school affiliated with the Uniting Church – Shalom Christian College in Townsville, Queensland – during our *Harmful sexual behaviours of children in schools* public hearing, discussed later. Our learnings from these case studies are discussed in Volume 13, *Schools*.

## Jehovah’s Witnesses

One dedicated case study examined institutional responses to child sexual abuse in the Jehovah’s Witnesses in Australia. This was *Case Study 29: The response of the Jehovah’s Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse (Jehovah’s Witnesses)*.<sup>72</sup>

The case study considered the experiences of two survivors of child sexual abuse in the Jehovah’s Witnesses and the responses of the Jehovah’s Witness organisation to their complaints. In one of the cases examined, the perpetrator was both a family member of the victim and a ministerial servant at the time of the sexual abuse. This was considered to be within our Terms of Reference because the child sexual abuse was reported to and handled by the organisation. It was this institutional response that was the subject of our inquiry.

The case study also considered the systems, policies and procedures in place within the Jehovah's Witness organisation for raising and responding to allegations of child sexual abuse and for the prevention of child sexual abuse. This case study is discussed in Chapter 15, 'Jehovah's Witnesses'.

### **Australian Christian Churches and affiliated Pentecostal churches**

One dedicated case study examined the ACC and affiliated Pentecostal churches. This was *Case Study 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse (Australian Christian Churches)*.<sup>73</sup> It considered institutional responses to allegations of child sexual abuse occurring in a range of locations including a school, private homes, during church meetings and at an evangelical camp. This case study is discussed in Chapter 16, 'Australian Christian Churches and affiliated Pentecostal churches'.

### **Jewish institutions**

One dedicated case study examined two unrelated Jewish institutions. This was *Case Study 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions (Yeshiva Bondi and Yeshivah Melbourne)*.<sup>74</sup> It considered responses of two Jewish institutions in the Chabad-Lubavitch movement to allegations of child sexual abuse occurring in various locations including schools and places of worship, during religious activities and during recreational activities on Yeshivah grounds and at a Yeshiva camp. This case study is discussed in Chapter 17, 'Yeshiva Bondi and Yeshivah Melbourne'.

### **Australian Indigenous Ministries**

One dedicated case study examined the Australian Indigenous Ministries (formerly the Aborigines Inland Mission, a non-government and interdenominational faith ministry). This was our *Retta Dixon Home* case study.<sup>75</sup> The case study considered the experiences of men and women who were abused as children at the Retta Dixon Home in the Northern Territory, and examined institutional responses to allegations of child sexual abuse at the home. This case study is discussed in Volume 11, *Historical residential institutions*.

### **Other public hearings**

In addition to case studies dedicated to examining particular institutions, we also held public hearings on institutional responses to child sexual abuse in schools and out-of-home care and by disability service providers; the criminal justice system; and redress and civil litigation.

Some of these hearings involved religious groups or representatives. Others considered specific examples of responses to child sexual abuse in religious institutions, including institutions managed by or affiliated with the Catholic Church, the Anglican Church, the Uniting Church or The Salvation Army. Table 16.4 lists these public hearings and their relevance to religious institutions.

We have drawn on selected information from these public hearings in preparing this volume. A more detailed discussion of issues examined in these hearings is set out in our case study reports on schools<sup>76</sup> and disability service providers;<sup>77</sup> our *Redress and civil litigation* report;<sup>78</sup> our *Criminal justice* report;<sup>79</sup> and in other volumes of this Final Report, including Volume 12, *Contemporary out-of-home care*, and Volume 13, *Schools*.

**Table 16.4 – Other public hearings**

Hearing No	Hearing title and relevance to religious institutions
24	<p data-bbox="437 685 1337 757"><i>Preventing and responding to allegations of child sexual abuse occurring in out-of-home care</i></p> <ul data-bbox="437 786 1458 954" style="list-style-type: none"> <li data-bbox="437 786 1315 857">• This public hearing examined child sexual abuse in contemporary out-of-home care settings in Australia.</li> <li data-bbox="437 882 1458 954">• During this hearing we heard from representatives of religious organisations that provide out-of-home care services to children.</li> </ul>
25	<p data-bbox="437 976 762 1010"><i>Redress and civil litigation</i></p> <ul data-bbox="437 1039 1442 1440" style="list-style-type: none"> <li data-bbox="437 1039 1374 1111">• This public hearing enabled invited persons and institutions to discuss issues raised in our <i>Consultation paper: Redress and civil litigation</i>.<sup>80</sup></li> <li data-bbox="437 1135 1442 1440">• During this hearing we heard from members of advocacy and support groups representing survivors of child sexual abuse in religious institutions, as well as representatives of some religious institutions. Issues relevant to religious institutions were discussed, including redress schemes that have been implemented by particular religious institutions; how institutions should provide redress to survivors; and difficulties for survivors in identifying a proper defendant when seeking to take civil action for child sexual abuse in religious institutions.</li> </ul>
38	<p data-bbox="437 1462 1401 1496"><i>Criminal justice issues relating to child sexual abuse in an institutional context</i></p> <ul data-bbox="437 1525 1390 1854" style="list-style-type: none"> <li data-bbox="437 1525 1390 1720">• This public hearing examined the admissibility and use of various types of evidence in child sexual abuse criminal trials; how the requirements of the criminal justice system affect the investigation and prosecution of institutional child sexual abuse; and the experiences of survivors as complainants.</li> <li data-bbox="437 1744 1390 1854">• During this hearing we heard from survivors of child sexual abuse in religious institutions about their experiences of reporting to police and as complainants in prosecutions.</li> </ul>

Hearing No	Hearing title and relevance to religious institutions
41	<p data-bbox="309 398 1324 432"><i>Institutional responses to allegations of the sexual abuse of children with disability</i></p> <ul data-bbox="309 461 1324 745" style="list-style-type: none"> <li data-bbox="309 461 1324 577">• This public hearing examined the responses of several disability service providers to allegations of child sexual abuse, and considered the Quality and Safeguarding Framework under the National Disability Insurance Scheme.</li> <li data-bbox="309 595 1324 745">• During this hearing we examined the responses of two Catholic institutions – Mater Dei School in Camden, New South Wales and the Congregation of the Sisters of the Good Samaritan of the Order of Saint Benedict – to allegations of child sexual abuse.</li> </ul>
45	<p data-bbox="309 772 1114 806"><i>Problematic and harmful sexual behaviours of children in schools</i></p> <ul data-bbox="309 835 1324 1198" style="list-style-type: none"> <li data-bbox="309 835 1324 952">• This public hearing examined the responses of a number of government and independent schools in New South Wales and Queensland to allegations of problematic or harmful sexual behaviours by students.</li> <li data-bbox="309 969 1324 1198">• During this hearing we considered the responses of a number of schools managed by or affiliated with religious organisations, including Shalom Christian College in Townsville, Queensland (Uniting Church), Trinity Grammar School in Summer Hill and The King’s School in Parramatta, New South Wales (Anglican Church) and St Ignatius’ College in Riverview, New South Wales (Catholic Church).</li> </ul>
46	<p data-bbox="309 1220 501 1254"><i>Criminal justice</i></p> <ul data-bbox="309 1283 1324 1646" style="list-style-type: none"> <li data-bbox="309 1283 1324 1400">• This public hearing examined issues raised in our <i>Consultation paper: Criminal justice</i><sup>81</sup> and the experience of survivors of child sexual abuse in the criminal justice system.</li> <li data-bbox="309 1417 1324 1646">• During this hearing we heard from witnesses representing religious institutions; considered issues relevant to religious institutions, such as offences relating to the reporting of child sexual abuse; and examined criminal justice responses to alleged perpetrators of child sexual abuse in institutions managed by or affiliated with the Catholic Church and The Salvation Army.</li> </ul>

### Institutional review hearings

Towards the end of our inquiry, we held a series of institutional review hearings involving most of the religious institutions that had previously been examined in case studies. Table 16.5 lists our review hearings on religious institutions. We heard from religious institutions about changes they had made since our case studies in their approach to child protection, including child safety procedures, complaint handling processes and risk management. We also examined some of their child protection policies and procedures. These matters are discussed in Part E.

During *Case Study 50: Institutional review of Catholic Church authorities (Institutional review of Catholic Church authorities)*, we presented the results of data surveys on claims of child sexual abuse received by Catholic Church authorities; and during *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)*, we presented the results of data surveys on complaints of child sexual abuse received by Anglican Church dioceses. The Uniting Church also provided us with data on allegations and claims of child sexual abuse, in connection with the *Institutional review of Uniting Church in Australia* hearing. These data sources are outlined below and discussed more fully in Chapter 6.

During the review hearings we heard evidence about structural, governance and cultural factors in religious institutions that may have contributed to the occurrence of child sexual abuse or affected institutional responses. In particular, the *Institutional review of Catholic Church authorities* hearing, the *Institutional review of Anglican Church institutions* hearing and *Case Study 49: Institutional review of The Salvation Army, Australia Eastern Territory and Australia Southern Territory (Institutional review of The Salvation Army)* considered some of the key factors that may have contributed to child sexual abuse and to inadequate responses in those institutions.

The review hearings were not the subject of separate reports, as the case studies were. Rather, information from the review hearings has been incorporated into this volume.

**Table 16.5 – Review hearings on religious institutions**

Hearing No	Title of hearing
49	<i>Institutional review of The Salvation Army, Australia Eastern Territory and Australia Southern Territory</i>
50	<i>Institutional review of Catholic Church authorities</i>
52	<i>Institutional review of Anglican Church institutions</i>
53	<i>Institutional review of Yeshivah Melbourne and Yeshiva Bondi</i>
54	<i>Institutional review of Church of the Jehovah’s Witnesses and its corporation, the Watchtower Bible and Tract Society of Australia</i>
55	<i>Institutional review of Australian Christian Churches and affiliated Pentecostal churches</i>
56	<i>Institutional review of Uniting Church in Australia</i>

In addition to these review hearings on religious institutions, in *Case Study 51: Institutional review of Commonwealth, state and territory governments*, we considered the child protection and child safety policies and procedures of Commonwealth, state and territory governments, including policies and procedures for responding to allegations of child sexual abuse. Our public hearings concluded with *Case Study 57: Nature, cause and impact of child sexual abuse in institutional contexts*. Each of these public hearings discussed issues of relevance to religious institutions. We have drawn on relevant information from these hearings in preparing this volume.

## Private sessions and written accounts

Many people provided written accounts of their experiences of child sexual abuse in religious institutions. In some cases these accounts were brief; in others they were detailed and were accompanied by supporting documents such as statements made to police or documents from civil proceedings. Information provided to us in written accounts has been used in this volume in a de-identified manner where people consented to having their story published in a de-identified way.

People who attended private sessions were able to share their experience of institutional child sexual abuse with a Commissioner in a private, protected and supportive environment. Still, it took great courage for people to come forward to tell their stories. While it was a difficult and emotional experience for many people, we also heard about the positive impacts. ‘Eugenie’, who told us that she experienced sexual abuse as a child while living at a children’s home, said: ‘By telling my account to the Royal Commission I am another voice not lost in the wilderness of the non-believed.’<sup>82</sup>

In private sessions, we engaged directly with young people who had experienced child sexual abuse in institutional contexts. Of the 6,875 survivors we heard from in private sessions up to 31 May 2017, 285 were under the age of 25 at the time of their private session. Of those, around a quarter (71 survivors or 24.9 per cent) told us about child sexual abuse in religious institutions. Most of this abuse related to Catholic institutions (32.4 per cent), Anglican institutions (21.1 per cent) and Salvation Army institutions (8.5 per cent).

The thousands of personal stories we heard in private sessions were crucial in informing our understanding of people’s experiences of child sexual abuse in religious institutions, their difficulties in disclosing that abuse and the lasting impacts it had. These stories were also important in highlighting personal experiences of religious institutions’ responses to child sexual abuse, which in many cases were just as difficult for victims to comprehend as the abuse itself.

The information we gathered from private sessions is valuable when understood in the context of its limitations, as discussed in Chapter 6.

Information provided to us during private sessions was confidential. We developed ways to collect, securely manage and analyse information provided in private sessions. This included the completion of a form for each private session which captured aspects of the survivor’s story in quantitative format, as well as the production of de-identified narratives where the survivor provided their consent. We have used quantitative and qualitative information from private sessions throughout this volume in a de-identified manner.<sup>83</sup> The quantitative information is drawn from private sessions held before 31 May 2017. Many of the full narratives are available as an online appendix to Volume 5, *Private sessions*. That volume discusses common themes that emerged from private sessions with survivors of child sexual abuse across all institutional contexts. Part C of this volume discusses what we heard from people in private sessions about child sexual abuse in religious institutions.



## Policy and research work

Over the course of our inquiry we undertook an extensive program of policy and research work focused on child sexual abuse in institutional contexts, including religious institutions. We consulted with survivors, advocacy groups, religious institutions, government agencies, regulatory bodies, academics, experts and members of the public. We did this through releasing issues papers and consultation papers to solicit submissions and by holding roundtables and consultations. Through these mechanisms, stakeholders were able to provide their views about responses to child sexual abuse in religious institutions and proposals for reform. Key aspects of our policy and research work are outlined below.

### Issues papers and consultation papers

We published issues papers and consultation papers on topics related to our Terms of Reference. We covered a broad range of issues including Working With Children Checks, child safe institutions, child sexual abuse in out-of-home care and in schools, redress and civil litigation, support and treatment services for survivors, responding to complaints, recordkeeping practices and the criminal justice system. A full list of the papers is set out in Appendix D to Volume 1, *Our inquiry*.

A broad range of stakeholders made submissions in response to our papers. In almost every case this included submissions by religious groups, survivors of child sexual abuse in religious institutions or their representatives, and other groups or individuals commenting on the religious-specific aspects of the issues raised in the papers. Those submissions are discussed in this volume where relevant. We published most of the submissions on our website. Some submissions were not published because the author did not want them published or for privacy or fairness reasons.

Two of our issues papers focused directly on religious institutions. These were *Issues paper 2: Towards Healing (Issues paper 2)*<sup>84</sup> and *Issues paper 11: Catholic Church final hearing (Issues paper 11)*.<sup>85</sup>

Early in our inquiry we released *Issues paper 2*, seeking submissions about the content and operation of *Towards Healing: Principles and Procedures in Responding to Complaints of Sexual Abuse Against Personnel of the Catholic Church in Australia*, the process adopted in 1996 by Catholic Church authorities in Australia for responding to complaints of child sexual abuse.<sup>86</sup> We received 57 submissions from government bodies, academics, legal organisations, community and advocacy groups and individuals. Chapter 13 discusses some of the issues raised in those submissions.

Later in our inquiry we released *Issues paper 11*, seeking submissions on a range of issues in advance of the review hearing on the Catholic Church. These included factors that may have contributed to the occurrence of child sexual abuse in Catholic institutions or that may have affected responses to child sexual abuse, as well as approaches of Catholic Church authorities in responding to victims and survivors of child sexual abuse and individuals subject to allegations of child sexual abuse.<sup>87</sup>

We received 86 submissions in response to *Issues paper 11*. These came from survivors of child sexual abuse in religious institutions, advocacy groups, professionals and academics, individuals who had commenced training for religious ministry but left during formation, members of the public and one Catholic diocese. Chapter 13 and Part E discuss some of the issues raised in those submissions.

## **Roundtables**

We convened public and private roundtables on various topics, often linked to the release of an issues paper. We considered a broad range of issues in our public roundtables, including Working With Children Checks, child sexual abuse in out-of-home care, and various issues in the criminal justice system. Each of our public roundtables considered issues that, to varying degrees, were relevant to religious institutions. A list of our public roundtables is set out in Appendix D to Volume 1, *Our inquiry*.

We held a number of private roundtables, some of which involved representatives of religious institutions. They covered a range of issues including child sexual abuse in schools; recordkeeping; advocacy, support and treatment for survivors; and child safe organisations. In late 2014 we convened a series of private roundtables on redress and civil litigation, including a roundtable that focused on religious institutions and involved participation by a range of religious groups.

In June 2016, we convened a private roundtable to consider canon law in the Catholic Church. This brought together around 20 canon law experts and academics, representatives of Catholic Church authorities in Australia (including three bishops) and representatives of the Truth, Justice and Healing Council. Participants discussed a range of issues, including the relationship between canon law and civil law, 'secrecy' provisions under canon law, the canon law disciplinary system, links between canon law and clericalism, canon law and confession, and the transparency of canon law processes.

## **Research**

We undertook an extensive research program that commissioned and conducted research in three broad categories: descriptive research to establish necessary background information; primary research to fill critical evidence gaps; and research that summarised existing findings about child sexual abuse in institutional contexts, as well as practices that successfully prevent or respond to such abuse.

Volume 1, *Our inquiry* outlines the methodology and themes of our research program and includes a list of published research reports. Many of the research projects considered issues that were relevant, although not unique, to child sexual abuse in religious institutions. Particularly relevant research reports included *Risk profiles for institutional child sexual abuse*,<sup>88</sup> *The role of organisational culture in child sexual abuse in institutional contexts*,<sup>89</sup> and *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions*.<sup>90</sup>

## Data surveys

During private sessions, most of the child sexual abuse in religious institutions that we heard about related to Catholic institutions or Anglican institutions. Because of this, we undertook surveys to gather relevant data from Catholic Church authorities and Anglican Church dioceses in Australia.

We contracted a data analyst to develop data surveys, to clean and analyse the data and to report on it. The resulting reports were titled *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia* (Catholic Church claims data)<sup>91</sup> and *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia* (Anglican Church complaints data).<sup>92</sup> The results of the data surveys provided further evidence of the high number of claims and complaints of child sexual abuse in relation to Catholic and Anglican institutions.

Catholic Church authorities provided information about claims of child sexual abuse received between 1 January 1980 and 28 February 2015. Of the 201 Catholic Church authorities surveyed, 92 authorities (46 per cent) reported having received one or more claims of child sexual abuse.<sup>93</sup> Overall, 4,444 claimants<sup>94</sup> alleged incidents of child sexual abuse in 4,756 reported claims to Catholic Church authorities. Some claimants made a claim of child sexual abuse against more than one Catholic Church authority.<sup>95</sup> A total of 1,880 alleged perpetrators (diocesan and religious priests, religious brothers, religious sisters, lay employees or volunteers) were identified in claims.<sup>96</sup> Additionally, 530 alleged perpetrators whose identities were not known were the subject of claims.<sup>97</sup> It cannot be determined whether any of those unidentified alleged perpetrators were identified by another claimant in a separate claim.<sup>98</sup>

Anglican Church dioceses provided information about complaints of child sexual abuse received between 1 January 1980 and 31 December 2015. Of the 23 Anglican Church dioceses surveyed, 22 reported having received one or more complaints of child sexual abuse.<sup>99</sup> Overall, 1,085 complainants alleged incidents of child sexual abuse in 1,119 reported complaints to Anglican Church dioceses. Some complainants made a complaint of child sexual abuse against more than one Anglican Church diocese.<sup>100</sup> A total of 569 alleged perpetrators (ordained clergy, lay employees including teachers and volunteers) were identified in complaints. Additionally, 133 alleged perpetrators whose identity was not known were the subject of complaints. It cannot be determined whether any of those unidentified alleged perpetrators were identified by another complainant in a separate complaint.<sup>101</sup>

Chapter 6 discusses the methodology, results and limitations of the Catholic and Anglican data surveys.

Through our public hearings, some other religious organisations provided us with data about complaints or claims of child sexual abuse. In Chapter 6 we provide an outline of these data sources and include an analysis of data provided by the Uniting Church. In Chapter 15 we discuss data relating to the Jehovah's Witnesses, which stemmed from documents produced by Watchtower Australia for the *Jehovah's Witnesses* case study.

## Other investigations

Over the course of our inquiry, we undertook a number of investigations of particular religious institutions based on allegations we received about child sexual abuse. In some cases these investigations led to particular religious institutions being examined in public hearings. In other cases we were not able to hold a public hearing because of criminal investigations or prosecutions or for other reasons discussed in Section 1.3.

We conducted two specific investigations of child sexual abuse in Catholic institutions, which are discussed in this volume.

First, we undertook a review of documents provided to us by Catholic Church Insurance Limited (CCI) – the main insurer of Catholic Church authorities in Australia. These documents related to investigations conducted by CCI when it received claims from insured Catholic Church authorities in relation to alleged perpetrators of child sexual abuse. CCI conducted these investigations to establish whether Catholic Church authorities had 'prior knowledge' of alleged perpetrators' propensity to abuse. Based on our review, we identified 22 cases in which CCI determined that a relevant Catholic Church authority had prior knowledge. These cases related to 16 different Catholic Church authorities. These cases are discussed in Chapter 13. Our summaries of the documents in these 22 cases are included in Appendix C.

Second, we examined documents relating to allegations of sexual abuse, including child sexual abuse, by members of the Society of St Gerard Majella (the Society) in the Catholic Archdiocese of Sydney and later the Catholic Diocese of Parramatta in New South Wales. A Special Enquiry ordered by the Bishop of Parramatta in 1993 found multiple allegations of sexual abuse by the founder of the Society and two of its most senior members to be substantiated. The Society was formally dissolved in 1996. A narrative summary of the documentary evidence in relation to the Society is included in Appendix D. Relevant issues arising from these documents are discussed in Chapter 13.

## Community engagement

As discussed above, we engaged with a range of stakeholders about child sexual abuse in religious institutions by seeking submissions on issues papers and consultation papers and holding roundtables. We also liaised with groups that provide support to survivors of child sexual abuse in religious institutions.

Through our community engagement work we aimed to ensure that people in all parts of Australia were informed about our work and were offered the opportunity to share their experiences and views. Volume 1, *Our inquiry* discusses our community outreach approach; strategies we put in place to overcome barriers to engagement; and various methods we used to engage with people. It discusses our work with Aboriginal and Torres Strait Islander people and communities, children and young people, people with disability, multicultural communities, people in prison, rural and regional communities, people experiencing mental illness, older people and people experiencing homelessness.

We engaged with children and young people around Australia through various consultation forums, conferences and workshops. We held community forums in capital cities and regional locations. We held eight multicultural forums, one in each capital city, to discuss concerns about institutional child sexual abuse with people from culturally and linguistically diverse backgrounds. And we conducted an extensive program of engagement with Aboriginal and Torres Strait Islander people and communities in various cities and regional and remote areas. Through these consultations we heard from a broad range of people, including members of religious groups, community groups, service providers and survivors of child sexual abuse.

Over the course of our inquiry we heard about child sexual abuse in religious institutions from a wide range of people from diverse backgrounds and with many different experiences. Issues specific to the circumstances of diverse populations and the institutional settings in which they experienced child sexual abuse are integrated across this volume. In particular, Chapter 7, 'People we heard about in religious institutions', and Chapter 8, 'Common contexts where child sexual abuse occurred in religious institutions', discuss what we learned during public hearings and private sessions about the experiences of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds who told us about child sexual abuse in religious institutions, particularly residential institutions.

### 1.4.2 Engagement with religious institutions

As discussed above, we engaged with a broad range of religious institutions by releasing issues papers and consultation papers to solicit submissions and by holding roundtables and consultations.

In the context of our public hearings, individuals and organisations were able to apply for leave to appear where they believed they had a direct or substantial interest in the scope and purpose of the hearing. Leave to appear was generally granted when an applicant had been summoned to give evidence; was an institution, or a representative of an institution, that was subject to the inquiry to be undertaken in the hearing; or may have been the subject of an adverse allegation. Parties who were granted leave to appear in public hearings were able to ask witnesses questions, apply to have evidence tendered or heard, and make submissions about the findings that might be made by Commissioners following the hearing.<sup>102</sup>

Below is a brief overview of our engagement with those religious institutions that were the subject of case studies and institutional review hearings.

## Catholic Church authorities in Australia

During the course of our public hearings and investigations we engaged with a number of individual Catholic Church authorities in Australia directly and through their legal representatives.<sup>103</sup>

Much of our engagement with the Catholic Church was conducted through the Truth, Justice and Healing Council (the Council). The Australian Catholic Bishops Conference and Catholic Religious Australia jointly established the Council in February 2013 to coordinate and oversee the Catholic Church's response to, and appearances at, the Royal Commission.<sup>104</sup>

The Council acted for all major Catholic religious institutes and all Catholic archdioceses and dioceses in Australia, with the exception of three of the Eastern Rite Eparchies, and spoke on their behalf to the Royal Commission. The Council also represented other Catholic organisations, such as CCI.<sup>105</sup>

The Council represented Catholic Church authorities and submitted written statements in our public hearings and the Council's chief executive officer and a number of Council members appeared as witnesses. The Council made submissions to most of our issues papers and participated in many of our roundtable discussions and consultation processes. The Council also assisted in designing the surveys that gathered data about claims of child sexual abuse in relation to Catholic Church authorities and assisted Catholic Church authorities in completing the surveys, as discussed in Chapter 6.

We engaged with the Council in the lead-up to the *Institutional review of Catholic Church authorities* hearing about the issues that would be discussed, potential witnesses, and research that the Council proposed should be taken into account in preparation. During this hearing, a number of leaders of Catholic Church authorities gave evidence. We heard from the leaders of a number of religious institutes, some regional bishops and all archbishops, including the President of the Australian Catholic Bishops Conference.

## The Holy See

We made requests to obtain information from the Holy See regarding the manner in which it had responded to allegations of child sexual abuse in Catholic institutions in Australia. We were only able to obtain partial responses to our requests. As discussed in Section 1.4.3, the Royal Commission's powers to compel the production of documents did not extend beyond Australia.

We made requests for information and documents through the Secretary of State of the Holy See via the Australian Department of Foreign Affairs and Trade. We sought information in this way because the Holy See had previously indicated to another inquiry that such requests should be made 'through appropriate diplomatic channels'.<sup>106</sup>

In July 2013 we requested documents related to *Crimen sollicitationis* (discussed in Section 13.11, 'Contributing factors in the Catholic Church'), as well as documents related to the case of John Gerard Nestor, who we considered in *Case Study 14: The response of the Catholic Diocese of Wollongong to allegations of child sexual abuse, and related criminal proceedings, against John Gerard Nestor, a priest of the Diocese*. The Secretariat of State provided us with documents in response to this request in late 2013.

In April 2014 we wrote to the Secretary of State of the Holy See requesting documents related to the extent to which Australian clerics accused of child sexual abuse had been referred to the Holy See (in particular, the Congregation for the Doctrine of the Faith) and the action taken in each case. We also sought documents about the case of a Vincentian priest who was alleged to have perpetrated child sexual abuse in Australia and who was the subject of a canonical process.<sup>107</sup>

In July 2014 we received a *Note verbale* from the Holy See in response to this request.<sup>108</sup> In relation to the Vincentian priest, the Secretariat of State provided a portion of the documentation but stated that it was not possible to provide all requested documentation relating to the case at that time because 'there is no final decree, and to avoid compromising the integrity of the canonical proceeding'.<sup>109</sup>

In relation to our request for documents relating to cases involving Australian clerics, the Holy See's response stated that 'it is neither possible nor appropriate to provide the information requested', and provided several reasons.<sup>110</sup> These included that it was 'not appropriate to release information' about cases where a decision had not yet been reached in a canonical proceeding; and that, in relation to concluded cases, the 'facts and circumstances of each case' were available in Australia. The response stated that if information was not available in Australia, 'the Holy See will be pleased to receive specific requests for such information and will make every attempt to assist the work of the Commission'.<sup>111</sup> The Holy See's response went on to state that:

requests for all information regarding every case – which include requests for documents reflecting internal ‘deliberations’ – are not appropriate. As is the case with all other sovereign subjects of international law, the Holy See maintains the confidentiality of internal deliberations related to its judicial and administrative proceedings, and indeed depends upon deliberative confidentiality to ensure the integrity and efficacy of its judicial and administrative processes.<sup>112</sup>

The response also stated that the ‘substantial burden of locating, reviewing and copying all files regarding every accused Australian cleric appears inconsistent with international practice’. The response concluded by saying that the Holy See would respond to ‘appropriate and specific requests’ in the future.<sup>113</sup>

## Anglican Church

Over the course of our inquiry we engaged with the Anglican Church in Australia through public hearings, consultative processes and roundtables.<sup>114</sup>

We engaged with the Royal Commission Working Group (Working Group) of the Standing Committee of the General Synod of the Anglican Church of Australia. The General Synod is the national governing body of the Anglican Church in Australia. It comprises all diocesan bishops, elected clergy and lay representatives from each diocese.

The Working Group made submissions to most of our issues papers, participated in some of our roundtable discussions, and suggested issues and witnesses for the *Institutional review of Anglican Church institutions* hearing. The Chair of the Working Group and the General Secretary of the General Synod both gave evidence during the *Institutional review of Anglican Church institutions* hearing.<sup>115</sup> The Working Group also assisted with designing the survey that gathered data about complaints of child sexual abuse from the 23 Anglican Church dioceses, as discussed in Chapter 6.

Because the Working Group only represented the views of its members from the General Synod, we also engaged with the 23 Anglican Church dioceses directly. The dioceses of Melbourne and Brisbane made submissions to two of our issues papers. Each diocese assisted with gathering information for the Anglican Church complaints data survey. Each diocese provided a statement in the lead-up to the *Institutional review of Anglican Church institutions* hearing, and the dioceses invited to appear at that hearing were consulted about the issues that would be discussed.

We also engaged with Anglican agencies, including Anglicare Australia and Anglican Schools Australia. Anglican Schools Australia made submissions to some of our issues papers, while Anglicare Australia and the state-based Anglicare agencies made submissions to our issues papers and consultation papers and participated in some of our roundtable discussions.



## The Salvation Army

Over the course of our inquiry we engaged with The Salvation Army through public hearings, consultative processes and roundtables.

We received submissions from The Salvation Army (Eastern Territory, Southern Territory and The Salvation Army Australia) and Salvos Legal in response to many of our consultation papers and issues papers. The Salvation Army (Eastern Territory, Southern Territory and The Salvation Army Australia) and Salvos Legal also participated in several of our roundtable discussions.

We heard from senior representatives of each of The Salvation Army territories during our public hearings, which included three case studies on The Salvation Army.<sup>116</sup>

During the *Institutional review of The Salvation Army* hearing, we heard from senior officers of The Salvation Army, including the National Commander of The Salvation Army Australia and the Chief Secretary in Charge of The Salvation Army Eastern Territory.<sup>117</sup>

## Uniting Church

Over the course of our inquiry we engaged with the Uniting Church in Australia through public hearings – including two case studies that considered schools affiliated with the Uniting Church – as well as through consultative processes and roundtables.<sup>118</sup>

The Assembly of the Uniting Church in Australia appointed a National Engagement and Response Task Group, involving senior representatives of Uniting Church agencies and schools as well as Uniting Church members with expertise on child sexual abuse, to facilitate the engagement of the Uniting Church with the Royal Commission.

During the *Institutional review of Uniting Church in Australia* hearing, the President of the National Assembly of the Uniting Church, the General Secretary of the National Assembly and the General Secretary of the Queensland Synod gave evidence.<sup>119</sup> As discussed in Chapter 6, in connection with the *Institutional review of Uniting Church in Australia* hearing, six Uniting Church synods provided us with data relating to allegations and claims of child sexual abuse.

The Uniting Church in Australia and associated Uniting Church bodies, including various synods, Uniting Care Australia and Uniting Communities, made submissions to our issues papers and consultation papers and participated in some of our roundtable discussions.

## Jehovah's Witnesses

During our inquiry we engaged with the Jehovah's Witnesses primarily through public hearings.

In July and August 2015, we held a public hearing as part of the *Jehovah's Witnesses* case study.<sup>120</sup> We heard evidence from a number of institutional witnesses, including Mr Geoffrey Jackson, one of seven members of the Governing Body at the time.<sup>121</sup> The Governing Body is based in the United States and oversees the worldwide activities of the Jehovah's Witness organisation.

In March 2017, we held a review hearing on the Jehovah's Witness organisation in *Case Study 54: Institutional review of Church of the Jehovah's Witnesses and its corporation, the Watchtower Bible and Tract Society of Australia (Institutional review of the Jehovah's Witnesses)*. This hearing examined the child protection policies and procedures of the Jehovah's Witness organisation and Watchtower Australia, and steps taken by them since the *Jehovah's Witnesses* case study.

During the *Institutional review of the Jehovah's Witnesses* hearing, we heard evidence from senior representatives of the Jehovah's Witness organisation in Australia, including the director of the organisation's Australian legal entity, Watchtower Bible and Tract Society of Australia.<sup>122</sup>

## Australian Christian Churches and affiliated Pentecostal churches

During our inquiry we engaged with the ACC and affiliated Pentecostal churches primarily through public hearings, which included our *Australian Christian Churches* case study.<sup>123</sup>

During *Case Study 55: Institutional review of Australian Christian Churches and affiliated Pentecostal churches*, we heard evidence from the National President of the ACC as well as representatives of Hillsong Church.<sup>124</sup>

ACC representatives also participated in several of our roundtable discussions.

## Jewish institutions

Over the course of our inquiry we engaged with representatives of various Jewish bodies through public hearings – including our *Yeshiva Bondi and Yeshivah Melbourne* case study – as well as through consultative processes and roundtables.<sup>125</sup>

The Executive Council of Australian Jewry, the elected representative body of the Australian Jewish community, participated in two of our roundtable discussions and the Jewish Community Council of Victoria, the peak body for Victorian Jewry, made a submission to one of our consultation papers.

When preparing for public hearings, we engaged with Yeshiva Bondi and Yeshivah Melbourne through their legal representatives.

Representatives of Jewish bodies that took part in *Case Study 53: Institutional review of Yeshivah Melbourne and Yeshiva Bondi* included the President of the Executive Council of Australian Jewry; the Chief Executive Officer of Jewish House and member of the Child Protection Taskforce of the New South Wales Jewish Board of Deputies; the immediate past president of the Rabbinical Council of New South Wales; the Chief Minister and Rabbi of The Great Synagogue, Sydney; the Chair of the Social Justice Committee of the New South Wales Jewish Board of Deputies; the Senior Dayan of the Sydney Beth Din; and the President of the Jewish Community Council of Victoria. In that same hearing, we also heard from leaders of the institutions at Yeshiva Bondi and Yeshivah Melbourne.<sup>126</sup>

### 1.4.3 Limitations of our work on religious institutions

We faced several challenges in examining responses to child sexual abuse by religious institutions, which we sought to overcome through our inquiry.

#### Limited research and data on child sexual abuse in religious institutions

At the establishment of the Royal Commission, there was limited research available on the nature and causes of child sexual abuse in religious institutions, particularly those managed by religious organisations other than the Catholic Church. Most previous inquiries into child sexual abuse in religious institutions had also focused on Catholic institutions. We sought to address this by undertaking an inquiry into a number of different religious institutions in Australia, and by utilising the various information sources outlined in Section 1.4.1 to examine this range of religious institutions.

At the establishment of the Royal Commission, there was also limited data available regarding the extent of child sexual abuse in religious institutions. We sought to address this by undertaking data surveys on claims and complaints of child sexual abuse in Catholic and Anglican institutions – the religious institutions that we received the most allegations of child sexual abuse about. The reports of those data surveys, discussed in Chapter 6, have significantly contributed to the information available on the extent of child sexual abuse in those religious institutions.

## Past institutional practices

In some cases, our inquiry revealed practices which made it difficult to establish the true extent of child sexual abuse in religious institutions, as well as the extent to which officials had knowledge or awareness of allegations of child sexual abuse. These included practices in religious institutions such as not making written records of complaints, the use of various euphemisms when describing child sexual abuse, failing to make sufficient inquiries when allegations were made or concerns were raised about potential child sexual abuse, discouraging victims from reporting allegations to police, and allowing alleged perpetrators to go on leave or retire under false pretences.

We sought to address this by undertaking detailed case study examinations that highlighted such practices. In the case of the Catholic Church, we also undertook a review of CCI documents regarding ‘prior knowledge’ held by Catholic Church authorities in relation to alleged perpetrators, as outlined in Section 1.4.1.

## Challenges relating to child sexual abuse in residential institutions

We faced several challenges in examining responses to child sexual abuse in residential institutions that were managed by religious organisations before 1990. These included poor institutional recordkeeping practices that hindered access to relevant records; an ageing victim population; and the fact that many of the institutions that survivors told us they experienced child sexual abuse in are now closed. These challenges are discussed in Volume 11, *Historical residential institutions*.

## Witnesses and documents outside Australia

The Royal Commission’s powers to compel witnesses and the production of documents did not extend beyond Australia.

Some religious institutions in Australia are subject to governance by bodies based overseas and are required to adhere to internal religious laws, rules or policies set by those bodies – including on matters that affect responses to child sexual abuse in religious institutions in Australia.

For example, as discussed in Chapter 13, the Catholic Church in Australia is subject to governance by the Holy See in Rome and to canon law created by popes and by church councils. Among other things, canon law governs disciplinary processes for Catholic clergy and religious accused of child sexual abuse.

As another example, the Jehovah’s Witnesses in Australia are subject to governance by the Governing Body, based in the United States. As discussed in Chapter 15, the Governing Body oversees the worldwide activities of the Jehovah’s Witness organisation and is responsible for providing definitive scriptural interpretation of the Bible, for developing and disseminating policies and for providing direction on matters including policies on child sexual abuse.<sup>127</sup>

In connection with some of our investigations and public hearings on religious institutions, we sought relevant documents or witnesses from outside Australia. We were not able to compel witnesses to appear if they were outside Australia. In some cases we secured cooperation from witnesses who agreed to provide evidence or statements from overseas, or to travel to Australia to appear in person. Further, as discussed in Section 1.4.2, we made requests to obtain relevant documents from the Holy See, and we were only able to obtain partial responses to our requests.

## 1.5 How we developed our recommendations

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Our Terms of Reference directed us to make any recommendations arising out of our inquiry that we considered appropriate.<sup>128</sup> We were required to determine what governments and institutions should do to:

- better protect children against child sexual abuse in institutional contexts in the future<sup>129</sup>
- achieve best practice in encouraging the reporting of, and responding to reports of or information about, allegations, incidents or risks of child sexual abuse in institutional contexts<sup>130</sup>
- eliminate or reduce impediments to responding appropriately to child sexual abuse in institutional contexts<sup>131</sup>
- address, or alleviate the impact of, child sexual abuse in institutional contexts, including through the provision of redress, processes for referral for investigation and prosecution and support services.<sup>132</sup>

Volume 1, *Our inquiry* discusses the scope of our recommendations relating to all institutions and the approach we took to forming recommendations. We developed our recommendations based on the information we gathered over the course of our five-year inquiry. They address the systemic issues examined in our case studies and policy work. We understood the importance of consulting with stakeholders about the reforms needed, and we listened carefully to what survivors thought needed to change. A full list of our recommendations is included in the Executive Summary of this Final Report.

This volume contains recommendations particularly aimed at making religious institutions in Australia safer for children. A full list of these recommendations is set out in the Summary.

In forming our recommendations on religious institutions we have been guided by recommendations in other volumes of this Final Report. Volume 6, *Making institutions child safe*, Volume 7, *Improving institutional responding and reporting*, and Volume 8, *Recordkeeping and information sharing*, present a national approach to making, improving and supporting child safe institutions. We have also been guided by relevant recommendations in our previous reports, the *Working With Children Checks* report (2015),<sup>133</sup> the *Redress and civil litigation* report (2015)<sup>134</sup> and the *Criminal justice* report (2017).<sup>135</sup>

A number of our recommendations in other volumes and our previous reports are of general application to all religious institutions in Australia. Some propose regulatory and legislative reforms which, if implemented by governments, will help to prevent child sexual abuse from occurring in religious institutions and where it does occur, help to ensure that responses are effective.

In some cases, we considered that these recommendations were sufficient to address issues that have arisen in religious institutions. In other cases, we have supplemented general recommendations with specific recommendations in this volume aimed at addressing common issues arising in religious institutions with respect to child safety. Many of the recommendations in this volume are relevant to all religious institutions in Australia. Other recommendations are specific to a particular religious institution, informed by unique factors we identified relating to its structure, governance or internal culture.

Under our Terms of Reference, we were directed to make ‘any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms’.<sup>136</sup> Consistent with this direction, our recommendations relating to religious institutions are detailed and broad-ranging.

During our inquiry we identified a range of issues within religious institutions that may have contributed to the occurrence of child sexual abuse or to inadequate institutional responses. Some of these issues related to governance, internal culture, and underlying theological and scriptural beliefs and practices which shaped the governance and culture of religious institutions. Some of our recommendations address those issues. Religious leaders have recognised the importance of our role in providing recommendations on such matters.

For example, in the *Institutional review of Catholic Church authorities* hearing we heard evidence from Archbishop Mark Coleridge, the Catholic Archbishop of Brisbane, regarding potential recommendations relating to Catholic canon law:

it would be very appropriate for the Royal Commission to make whatever recommendation they judge to be in the best interests of children and therefore the best interests of the Church. So I personally, and I think I speak for the other bishops, would welcome any suggestions or recommendations that the Royal Commission would present.<sup>137</sup>

In the same hearing, Archbishop Anthony Fisher OP, the Catholic Archbishop of Sydney, addressed the possibility of a Royal Commission recommendation regarding the use of ‘formal structures available under canon law’ to involve lay men and women in discussions about the factors that contribute to the incidence of and response to child sexual abuse, stating that:

I would take very seriously anything this Royal Commission recommends, and I think to be prompted in this area, as in several others, would be helpful to me.<sup>138</sup>

Also in the same hearing, Dr David Ranson, theologian and Vicar General of the Catholic Diocese of Broken Bay in New South Wales, discussed the Royal Commission’s role in making recommendations that would act as a catalyst for reforms within the Catholic Church:

The question for the Commission, I think, is in terms of its recommendations, what are realistic and what are feasible. Although I think the dialogue between Church and Commission is actually essential and my hope is that there is learning and change as a result, because of the extraordinary constellation which is this thing we call the Church that is so multifaceted across the world, the Church is not going to change as an entire organisation simply because of the Commission. My own thinking is that the Commission, in fact, needs to be a catalyst for a continuing inquiry within the Church of Australia itself. So we should never think that it’s all over when the Commission has finished its deliberations. That’s, for us I think, the very beginning.<sup>139</sup>

In the *Institutional review of Anglican Church institutions* hearing, the General Secretary of the General Synod of the Anglican Church of Australia, Ms Anne Hywood, gave evidence that:

We welcome the focus in this case study on our policies and procedures and the church culture and structure in which they operate. We recognise that we have further work to do, and we look forward to the assistance of the Royal Commission, through its recommendations, to help us put in place the highest standards of child protection and the best possible response to survivors.<sup>140</sup>

In forming our recommendations, we were mindful of the positive reforms that had already begun in religious institutions, both prior to the establishment of the Royal Commission and since we embarked on our inquiry. In particular, we considered changes that religious institutions told us they had implemented as a result of our case study findings; and positive responses by religious institutions to our recommendation for the establishment of a national redress scheme. We heard about these developments during our institutional review hearings, and they are discussed in Part E.

While positive changes have already taken place, there is still much progress to be made before the community can be confident that religious institutions in Australia are as safe for children as possible. The recommendations in this volume are designed to provide religious institutions and governments with an understanding of what they must do to provide for the safety of children.

Volume 17, *Beyond the Royal Commission*, discusses the implementation and monitoring of, and reporting on, our recommendations. It makes further recommendations aimed at ensuring that governments and institutions are held publicly accountable for their responses to the conclusions of the Royal Commission.

## 1.6 This volume

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### 1.6.1 Structure and content of this volume

This volume consists of five main parts. An overview of each part is set out below.

#### Part A: Introduction

Part A contains a preface setting out basic information about the Royal Commission's establishment and the conduct of our inquiry; a summary of this volume; a list of our recommendations relating to religious institutions; and this chapter detailing our work on religious institutions.

#### Part B: Background

Chapters 2 to 5 in Part B provide background information about the history and roles of religious institutions in Australia; consider the emergence of the issue of child sexual abuse in the global Catholic Church; and provide an overview of previous inquiries into child sexual abuse in religious institutions in Australia and overseas.

#### Part C: Nature and extent of child sexual abuse in religious institutions

Chapters 6 to 11 in Part C address the extent of child sexual abuse in religious institutions; the victims and perpetrators we heard about; the institutional contexts that children were abused in; the specific characteristics of child sexual abuse in religious institutions; the impacts of child sexual abuse in religious institutions; and victims' and survivors' experiences of disclosing that sexual abuse.



## Part D: Institutional responses to child sexual abuse in religious institutions

Chapters 12 to 17 in Part D focus in detail on religious institutions examined in our case studies. Chapter 12 considers the Anglican Church, Chapter 13 considers the Catholic Church, Chapter 14 considers The Salvation Army, Chapter 15 considers the Jehovah’s Witnesses, Chapter 16 considers the ACC and affiliated Pentecostal churches, and Chapter 17 considers Yeshiva Bondi and Yeshivah Melbourne. Each chapter examines the institution’s structure and governance, data and private sessions information about child sexual abuse within the institution, institutional responses to the abuse, and factors that may have contributed to the occurrence of abuse and to inadequate institutional responses.

The responses of other key institutions to child sexual abuse in religious institutions, such as state police, public prosecution authorities and child welfare agencies, are briefly discussed in Chapter 18. That chapter focuses on responses which were apparently influenced by the fact that the abuse took place in a religious institution. Broader institutional responses are discussed in further detail in our *Criminal justice* report<sup>141</sup> and in Volume 11, *Historical residential institutions*.

Chapter 19 discusses common institutional responses to child sexual abuse in religious institutions in Australia, as well as common factors across religious institutions that may have enabled child sexual abuse to occur or contributed to inadequate institutional responses.

## Part E: Creating child safe religious institutions

Chapters 20 to 23 in Part E examine how to make all religious institutions in Australia safer for children. They outline our recommendations for improving the safety of children who interact with religious institutions. They address how religious institutions can improve their responses to, and reporting of, child sexual abuse and strengthen their recordkeeping and information sharing practices. In addition, Part E considers how particular religious institutions have attempted to improve the way they provide redress to those affected by child sexual abuse, and discusses steps taken by religious institutions since the release of our *Redress and civil litigation* report to address issues relating to civil litigation.

## Appendices

Appendix A contains a list of relevant recommendations from other volumes of this Final Report and other Royal Commission reports.

Appendix B contains practical guidance for implementing the Royal Commission’s Child Safe Standards.

Appendix C sets out our summaries of documents provided by CCI in relation to its investigations of ‘prior knowledge’ held by Catholic Church authorities of alleged perpetrators’ propensity to sexually abuse.

Appendix D includes a narrative summary of the documentary evidence we examined relating to allegations of sexual abuse by members of the Society of St Gerard Majella.

## 1.6.2 Links to other volumes

The preface to this volume provides an overview of the other major reports released by the Royal Commission, including our *Interim report* (2014),<sup>142</sup> *Working With Children Checks* report (2015),<sup>143</sup> *Redress and civil litigation* report (2015)<sup>144</sup> and *Criminal justice* report (2017).<sup>145</sup> The preface also includes a full list of the 17 volumes that make up this Final Report. This volume is linked to each of those other volumes to varying degrees.

In describing what we learned about child sexual abuse in religious institutions, this volume builds on volumes 2, 3 and 4, which examine the nature and cause, impacts and disclosure of child sexual abuse in all institutional contexts. This volume, particularly Part C, explores these issues in the specific context of child sexual abuse in religious institutions.

This volume should be read together with volumes 6, 7 and 8, which present a national approach for child safe institutions. These volumes explain how institutions can be made safer for children by better preventing, identifying, responding to and reporting institutional child sexual abuse. This volume, particularly Part E, discusses these issues in the specific context of religious institutions.

This volume is also closely linked to other volumes of this Final Report which provide in-depth analysis of institutional responses to child sexual abuse in specific types of institutions. This volume provides a detailed analysis of institutions managed by religious organisations. It is closely linked to the discussion in Volume 11 of historical residential institutions managed by religious organisations and the discussion in Volume 13 of schools managed by or affiliated with religious organisations.

## 1.6.3 Key terms

The inappropriate use of words to describe child sexual abuse and the people who experience the abuse can have silencing, stigmatising and other harmful effects. Conversely, the appropriate use of words can empower and educate. For these reasons, we have taken care with the words used in this volume.

Some of the key terms used across this volume are set out below. Further key terms used in Part C and Part E are set out in the introductions to those parts. A more complete list of terms is set out in the volume glossary, which follows the appendices. A complete glossary of terms used across this Final Report is set out in Appendix J to Volume 1, *Our inquiry*.

## Children with harmful sexual behaviours

Children under 18 years who have behaviours that fall across a spectrum of sexual behaviour problems, including those that are problematic to the child's own development, as well as those that are coercive, sexually aggressive and predatory towards others. The term 'harmful sexual behaviours' recognises the seriousness of these behaviours and the significant impact they have on victims, but is not contingent on the age or capacity of a child.

## Child sexual abuse

Any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child.

## Child sexual abuse in an institutional context

Abuse that, for example:

- happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution
- is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where the institution has, or its activities have, created, facilitated, increased, or in any way contributed to (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk
- happens in any other circumstances where an institution is, or should be treated as being, responsible for adults having contact with children.

We also use 'institutional child sexual abuse' to refer to child sexual abuse in an institutional context.

## Offender

A person who is found by a court to have done something that is prohibited by law.

## Perpetrator

An adult who has sexually abused a child.

Many survivors told us that the people who sexually abused them as children were never investigated, charged or convicted.

If we received information relating to potential contraventions of Australian law, we made referrals to police in cases where the alleged perpetrator could have been alive and the survivor wished us to report the matter. There were many cases where the alleged perpetrator was either known to be, or was almost certainly, deceased. If there was a prospective risk to any child a referral was made irrespective of the wish of the survivor. As of 31 July 2017, we had made 2,252 referrals to police, and police had laid charges in a number of cases. Of those 2,252 referrals, 1,229 related to child sexual abuse in religious institutions.

## Person in religious ministry

A minister of religion, priest, deacon, pastor, rabbi, Salvation Army officer, church elder, religious brother or sister and any other person recognised as a spiritual leader in a religious institution.

## Religious institution

An entity which operates or previously operated under the auspices of a particular religious denomination or faith and provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children. This includes, for example, dioceses, religious institutes, parishes, schools and residential facilities.

## Religious organisation

A group of religious institutions from a particular religious denomination or faith that coordinate and/or organise together. For example, the Catholic Church is a religious organisation which is made up of different dioceses and religious institutes.

## Victim and survivor

Someone who has been sexually abused as a child in an institutional context.

We use the term 'victim' when referring to a person who has experienced child sexual abuse at the time the abuse occurred. We use the term 'survivor' when referring to a person who has experienced child sexual abuse after the abuse occurred, such as when they are sharing their story or accessing support. Where the context is unclear, we use the term 'victim'.

We recognise that some people prefer 'survivor' because of the resilience and empowerment associated with the term. We recognise that some people who have experienced abuse do not feel that they 'survived' the abuse, and that 'victim' is more appropriate. We recognise that some people may have taken their lives as a consequence of the abuse they experienced. We acknowledge that 'victim' is more appropriate in these circumstances. We also recognise that some people do not identify with either of these terms.

When we discuss quantitative information from private sessions in this volume, we use the term 'survivor' to refer both to survivors and victims who attended a private session and those (including deceased victims) whose experiences were described to us by family, friends, whistleblowers and others. This quantitative information is drawn from the experiences of 6,875 victims and survivors of child sexual abuse in institutions, as told to us in private sessions to 31 May 2017.

# Endnotes

- 1 Transcript of J Gillard, Press Conference on Royal Commission into child sexual abuse, 12 November 2012.
- 2 Name changed, private session, 'Bridget'.
- 3 *Letters Patent* (Cth), 11 January 2013.
- 4 In April 2012 the Victorian Government initiated a parliamentary inquiry into the handling of child abuse allegations in religious and other non-government organisations, with the final report tabled on 13 November 2013. See Family and Community Development Committee, *Betrayal of trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations*, Parliament of Victoria, Melbourne, 2013. In November 2012 the New South Wales Government established a special commission of inquiry concerning the investigation of certain child sexual abuse allegations in the Hunter region, with the final report delivered to the Governor of New South Wales on 30 May 2014. See M Cunneen, *Special Commission of Inquiry into matters relating to the police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle: Report*, State of NSW, Sydney, 2014.
- 5 Transcript of J Gillard, Press Conference on Royal Commission into child sexual abuse, 12 November 2012.
- 6 Transcript of J Gillard, Press Conference on Royal Commission into child sexual abuse, 12 November 2012.
- 7 Australian Catholic Bishops Conference, *Statement on Royal Commission: Australian Catholic Bishops' Response*, media release, Australian Catholic Bishops Conference, Canberra, 12 November 2012.
- 8 Australian Catholic Bishops Conference, *Statement on Royal Commission: Australian Catholic Bishops' Response*, media release, Australian Catholic Bishops Conference, Canberra, 12 November 2012.
- 9 Simon Santow, 'Pell welcomes commission but dismisses claims as mostly historic and exaggerated', *ABC Radio*, 13 November 2012, [www.abc.net.au/pm/content/2012/s3631906.htm](http://www.abc.net.au/pm/content/2012/s3631906.htm) (viewed 13 September 2017).
- 10 Anglican Church of Australia, *Anglican Primate calls royal commission an "historic opportunity to protect Australian children"*, media release, Office of the Primate, Brisbane, 16 November 2012.
- 11 Anglican Church of Australia General Synod, *Anglican Church leaders welcome royal commission*, media release, Anglican Church of Australia Standing Committee, Sydney, 22 November 2012.
- 12 The Salvation Army Australia Eastern Territory, *Prime Minister Julia Gillard announces royal commission*, media release, The Salvation Army, 12 November 2012.
- 13 The Salvation Army Australia Eastern Territory, *The Salvation Army welcomes announcement of royal commission terms of reference*, media release, The Salvation Army, 11 January 2013.
- 14 Uniting Church in Australia, *Uniting Church values statement in relation to the royal commission into child sexual abuse*, media release, Assembly Standing Committee, Sydney, March 2013.
- 15 Uniting Church in Australia, *Uniting Church values statement in relation to the royal commission into child sexual abuse*, media release, Assembly Standing Committee, Sydney, March 2013.
- 16 Executive Council of Australian Jewry, *Jewish community welcomes child abuse royal commission*, media release, Executive Council of Australian Jewry, Sydney, 14 November 2012.
- 17 Executive Council of Australian Jewry, *Jewish community welcomes child abuse royal commission*, media release, Executive Council of Australian Jewry, Sydney, 14 November 2012.
- 18 Executive Council of Australian Jewry, *Jewish community welcomes child abuse royal commission*, media release, Executive Council of Australian Jewry, Sydney, 14 November 2012.
- 19 *Letters Patent* (Cth), 11 January 2013.
- 20 The Commissioners were formally appointed under Western Australian law on 22 January 2013, Queensland law on 24 January 2013, New South Wales law on 25 January 2013, Victorian law on 12 February 2013, Tasmanian law on 4 March 2013 and South Australian law on 7 March 2013.
- 21 The quantitative information in this volume is drawn from the experiences of 6,875 victims and survivors of child sexual abuse in institutions, as told to us in private sessions held to 31 May 2017.
- 22 As discussed in Volume 2, *Nature and cause*, these included privately run institutions such as yoga ashrams, childcare centres, medical practices or clinics, music or dance schools, secular independent schools, sports clubs, and institutions managed by non-government or not-for-profit organisations. In addition, 10.0 per cent of survivors told us about child sexual abuse in institutions of unknown management type. Some survivors told us about child sexual abuse in multiple institutions under different management types, so the proportions sum to more than 100 per cent.
- 23 In private sessions held to 31 May 2017.
- 24 Name changed, private session, 'Ted'.
- 25 Transcript of S Braieoux, Case Study 57, 30 March 2017 at 27765:12–15, 18–24.
- 26 Transcript of F Sullivan, Case Study 50, 6 February 2017 at 24718:10–22.
- 27 These included institutions identified by survivors as Protestant without further information about denomination.
- 28 In private sessions held to 31 May 2017. The number of survivors in private sessions has not been provided with respect to religious organisations with fewer than five, as this could potentially lead to a survivor being identifiable.
- 29 *Letters Patent* (Cth), 11 January 2013.
- 30 *Letters Patent* (Cth), 11 January 2013, (k).
- 31 The number of survivors in private sessions has not been provided with respect to religious organisations with fewer than five, as this could potentially lead to a survivor being identifiable.
- 32 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home*, Sydney, 2015.
- 33 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 21: The response of the Satyananda Yoga Ashram at Mangrove Mountain to allegations of child sexual abuse by the ashram's former spiritual leader in the 1970s and 1980s*, Sydney, 2016.

- 34 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 23: The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wahroonga, New South Wales*, Sydney, 2016.
- 35 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 45: Problematic and harmful sexual behaviours of children in schools*, Sydney, 2017.
- 36 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009*, Sydney, 2015; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students*, Sydney, 2016; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 45: Problematic and harmful sexual behaviours of children in schools*, Sydney, 2017.
- 37 Transcript of A Ashford, Case Study 57, 31 March 2017 at 27884:38–46.
- 38 Father George Parker was charged with 24 child sex offences on 23 December 2016. He died on 11 January 2017 before facing court on these charges. Father Parker was allocated the pseudonym CKC during the public hearing. The pseudonym was lifted on 16 January 2017.
- 39 Transcript of CKA, Case Study 42, 4 August 2016 at 16452:2–9, 17–18.
- 40 Transcript of AP Nash, Case Study 43, 6 September 2016 at 18044:23–39.
- 41 Transcript of AE Hywood, Case Study 52, 17 March 2017 at 26614:7–13.
- 42 *Briginshaw v Briginshaw* (1938) 60 CLR 336 at 362–363.
- 43 *Letters Patent* (Cth), 11 January 2013, (k).
- 44 This applied in respect of case study reports for *Case Study 28: Catholic Church authorities in Ballarat*, *Case Study 35: Catholic Archdiocese of Melbourne* and *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*.
- 45 This applied in respect of case study reports for *Case Study 43: The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious* and *Case Study 44: The response of the Catholic Dioceses of Armidale and Parramatta to allegations of child sexual abuse against a priest*.
- 46 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 4: The experiences of four survivors with the Towards Healing process*, Sydney, 2015.
- 47 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 6: The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes*, Sydney, 2015.
- 48 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 8: Mr John Ellis's experience of the Towards Healing process and civil litigation*, Sydney, 2015.
- 49 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 9: The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann's Special School*, Sydney, 2015.
- 50 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014.
- 51 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015.
- 52 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 14: The response of the Catholic Diocese of Wollongong to allegations of child sexual abuse, and related criminal proceedings, against John Gerard Nestor, a priest of the Diocese*, Sydney, 2014.
- 53 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 16: The Melbourne Response*, Sydney, 2015.
- 54 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The responses of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, Sydney, 2016.
- 55 We recommended to the Australian Government and to state and territory governments that the report of Case Study 28 be tabled and published with redactions applied to material that might prejudice criminal proceedings. We further recommended that the report be published in an unredacted form at the conclusion of relevant criminal proceedings.
- 56 There was no case study report for *Case Study 31: The evidence of retired Bishop Geoffrey Robinson regarding the history and development of the Catholic Church's response to child sexual abuse prior to the introduction of Towards Healing*. Unlike other case studies, the purpose of this case study was not to examine the response of a specific religious institution to particular incidents or allegations of child sexual abuse. Rather, the scope and purpose of this public hearing was to hear the evidence of Bishop Geoffrey Robinson, retired Auxiliary Bishop of the Archdiocese of Sydney, on the history and development of the Catholic Church's response to child sexual abuse prior to the introduction of Towards Healing, his membership of the College of Consultors of the Archdiocese of Sydney, the operation of Encompass Australasia, his discussions with senior Vatican officials and related matters.
- 57 We recommended to the Australian Government and to state and territory governments that the report of Case Study 35 be tabled and published with redactions applied to material that might prejudice criminal proceedings. We further recommended that the report be published in an unredacted form at the conclusion of relevant criminal proceedings.



58 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 41: Institutional responses to allegations of the sexual abuse of children with disability*, Sydney, 2017.

59 We recommended to the Australian Government and to state and territory governments that the report of Case Study 43 not be published until the conclusion of relevant criminal proceedings.

60 We recommended to the Australian Government and to state and territory governments that the report of Case Study 44 not be published until the conclusion of relevant criminal proceedings.

61 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home*, Sydney, 2014.

62 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009*, Sydney, 2015.

63 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, Sydney, 2015.

64 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students*, Sydney, 2016.

65 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, Sydney, 2017.

66 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse*, Sydney, 2017.

67 We recommended to the Australian Government and to state and territory governments that the report of Case Study 42 be tabled and published with redactions applied to material that might prejudice criminal proceedings. We further recommended that the report be published in unredacted form at the conclusion of relevant criminal proceedings.

68 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015.

69 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 10: The Salvation Army's handling of claims of child sexual abuse 1989 to 2014*, Sydney, 2015.

70 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated*, Sydney, 2016.

71 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 23: The response of Knox Grammar School and the Uniting Church in Australia to child sexual abuse at Knox Grammar School in Wahroonga, New South Wales*, Sydney, 2016.

72 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 29: The Response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse*, Sydney, 2016.

73 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse*, Sydney, 2015.

74 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 22: The response of Yeshiva Bondi and Yeshiva Melbourne to allegations of child sexual abuse made against people associated with those institutions*, Sydney, 2016.

75 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home*, Sydney, 2015.

76 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 45: Problematic and harmful sexual behaviours of children in schools*, Sydney, 2017.

77 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 41: Institutional responses to allegations of the sexual abuse of children with disability*, Sydney, 2017.

78 Royal Commission into Institutional Responses to Child Sexual Abuse, *Redress and civil litigation*, Sydney, 2015.

79 Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal justice*, Sydney, 2017.

80 Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation paper: Redress and civil litigation*, Sydney, 2015.

81 Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation paper: Criminal justice*, Sydney, 2016.

82 Name changed, private session, 'Eugenie'.

83 As permitted under legislation. See *Royal Commissions Act 1902* (Cth) s 60J(b).

84 Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper 2: Towards Healing*, Sydney, 2013.

85 Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper 11: Catholic Church final hearing*, Sydney, 2016.

86 Exhibit 4-0001, 'Towards Healing: Principles and Procedures in Responding to Complaints of Sexual Abuse Against Personnel of the Catholic Church in Australia. First publication', 1 December 1996, Case Study 4, CTJH.0001.001.0104.

87 Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues paper 11: Catholic Church final hearing*, Sydney, 2016.

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- 111 Exhibit 50-0006, 'Vatican Note Verbale', Case Study 50, VATC.9999.001.0003\_R at 0004\_R.
- 112 Exhibit 50-0006, 'Vatican Note Verbale', Case Study 50, VATC.9999.001.0003\_R at 0004\_R.
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# PART B BACKGROUND



# Introduction

Part B of this volume provides background information relevant to our consideration of institutional responses to child sexual abuse in religious institutions in Australia. We have compiled this material after reviewing various sources, including available literature on child sexual abuse in religious institutions worldwide and previous overseas and Australian inquiries.

Part B includes four chapters. Chapter 2, 'Religion in Australia', provides an overview of religion in Australia, including demographic information about religious affiliation and a brief historical account of the development of religious organisations in Australia. It focuses on the historical development of religious organisations' provision of education and social welfare services to children, as we heard that these were the institutional contexts in which children were most often sexually abused.

Chapter 3, 'Child sexual abuse in the global Catholic Church: early history and previous enquiries' provides an overview of the emergence of the issue of child sexual abuse in the global Catholic Church. Our research has demonstrated that child sexual abuse in the Catholic Church is a widespread phenomenon and that it is not recent; it has a long history reaching back to the earliest centuries of Christianity. We have considered the Catholic Church separately from other religious organisations because most of the overseas inquiries into child sexual abuse in religious institutions considered abuse in Catholic institutions, and because we heard more allegations of child sexual abuse in relation to the Catholic Church than any other religious organisation. In private sessions held to 31 May 2017, 2,489 survivors told us about child sexual abuse in Catholic institutions in Australia, representing almost two-thirds (61.8 per cent) of survivors who told us about abuse in religious institutions, and more than one-third (36.2 per cent) of all survivors we heard from in private sessions.

Chapter 4, 'Overseas inquiries relating to child sexual abuse in religious institutions' provides an overview of overseas inquiries that have considered child sexual abuse in institutions managed by religious organisations other than the Catholic Church. Our review of these inquiries has revealed some common themes in institutional responses to child sexual abuse in different religious institutions in a number of countries. Many of these themes have been reflected in our own case studies into responses of religious institutions in Australia.

Chapter 5, 'Australian inquiries relating to child sexual abuse in religious institutions' provides an overview of previous Australian inquiries that have considered issues relating to child sexual abuse in religious institutions. These inquiries have revealed a high number of allegations of child sexual abuse in religious institutions in Australia. Our review of these Australian inquiries has revealed some commonalities in institutional responses which are also demonstrated in the overseas inquiries.

In Part C, 'Nature and extent of child sexual abuse in religious institutions', we set out what we heard over the course of our inquiry about the nature and extent of child sexual abuse in religious institutions in Australia.

In Part D, 'Institutional responses to child sexual abuse in religious institutions', we set out our findings about institutional responses to child sexual abuse in religious institutions in Australia. We also consider factors that may have contributed to the occurrence of child sexual abuse or to inadequate institutional responses to such abuse. Where relevant, we note parallels between our findings and the findings of previous overseas or Australian inquiries.

In Part E, 'Creating child safe religious institutions', we consider measures that would make all religious institutions in Australia safer for children and make recommendations for improving the safety of children who interact with religious institutions.

## 2 Religion in Australia

As of 31 May 2017, 15,249 people had contacted us about child sexual abuse that fell within our Terms of Reference. Of these, 7,382 people (48.4 per cent) told us about child sexual abuse in religious institutions. Many of those who contacted us went on to attend a private session with a Commissioner. As of 31 May 2017, we had heard from 6,875 survivors in private sessions, 4,029 of whom (58.6 per cent) told us about child sexual abuse in religious institutions.

In order to understand the nature and extent of child sexual abuse in religious institutions in Australia, it is necessary to consider the place of religion in Australian history and society. In particular, religious organisations in Australia have historically provided educational and social welfare services to a large number of children. Religious organisations have also impacted the lives of a large number of Aboriginal and Torres Strait Islander children in Australia.

This chapter provides a brief overview of the demographic profile of religions in Australia and traces the historical development of religious organisations in areas affecting children, particularly education and social welfare services.

### 2.1 Demographic overview of religion in Australia

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Australia is a secular, multicultural and multifaith society which is home to more than 170 religious groups.<sup>1</sup>

Since its inception, the national Census has included an optional question about religious affiliation. Since 1961, the Census has been held every five years. The 2016 Census provides the most recent available data, as set out in Table 16.6.

**Table 16.6 – Religious affiliation in Australia: ABS data, 2016<sup>2</sup>**

Religion	Population ('000)	Population (%)
<b>Buddhism</b>	<b>563.7</b>	<b>2.4</b>
<b>Christian:</b>		
Anglican	3,101.2	13.3
Assyrian Apostolic	13.9	0.06
Baptist	345.1	1.5
Brethren	17.4	0.07
Catholic	5,291.8	22.6

Religion	Population ('000)	Population (%)
Churches of Christ	39.6	0.2
Eastern Orthodox	502.8	2.1
Jehovah's Witnesses	82.5	0.4
Latter-day Saints	61.6	0.3
Lutheran	174.0	0.7
Oriental Orthodox	51.0	0.2
Other Protestant	108.3	0.5
Pentecostal	260.6	1.1
Presbyterian and Reformed	526.7	2.3
Salvation Army	48.9	0.2
Seventh-day Adventist	62.9	0.3
Uniting Church	870.2	3.7
Christianity, NFD <sup>a</sup>	612.4	2.6
Other Christian	30.5	0.1
<i>Christian subtotal</i>	<i>12,201.6</i>	<i>52.1</i>
<b>Hinduism</b>	<b>440.3</b>	<b>1.9</b>
<b>Islam</b>	<b>604.2</b>	<b>2.6</b>
<b>Judaism</b>	<b>91.0</b>	<b>0.4</b>
<b>Other religions:</b>		
Australian Aboriginal traditional religions	8.1	0.03
Sikhism	125.9	0.5
Other religious groups <sup>b</sup>	87.6	0.3
<i>Other religions subtotal</i>	<i>221.6</i>	<i>0.9</i>
<b>Secular beliefs, other spiritual beliefs and no religious affiliation:</b>		
No religion, so described	6,933.7	29.6
Secular beliefs <sup>c</sup>	67.6	0.3
Other spiritual beliefs <sup>d</sup>	39.2	0.2
Secular beliefs and other spiritual beliefs and no religious affiliation, NFD <sup>a</sup>	0.2	<0.01
<i>Secular beliefs, other spiritual beliefs and no religious affiliation subtotal<sup>e</sup></i>	<i>7,040.7</i>	<i>30.1</i>
<b>Religion not stated or inadequately described</b>	<b>2,238.7</b>	<b>9.6</b>
<b>Total</b>	<b>23,401.9</b>	<b>100.0<sup>e</sup></b>

<sup>a</sup> NFD, or not further defined, is a supplementary code used by the Australian Bureau of Statistics to process incomplete, non-specific or imprecise responses.



<sup>b</sup> Comprises 'Baha'i', 'Chinese Religions', 'Druse', 'Japanese Religions', 'Nature Religions', 'Spiritualism' and 'Miscellaneous Religions'.

<sup>c</sup> Includes 'Secular beliefs, not further defined', 'Agnosticism', 'Atheism', 'Humanism', 'Rationalism' and 'Secular beliefs, not elsewhere classified'.

<sup>d</sup> Includes 'Other Spiritual Beliefs, not further defined', 'Multi Faith', 'New Age', 'Own Spiritual Beliefs', 'Theism', 'Unitarian Universalism' and 'Other Spiritual Beliefs, not elsewhere classified'.

<sup>e</sup> The population percentages total just over 100 per cent due to rounding of figures.

Since 1911, when the Australian Bureau of Statistics conducted the first national Census following Federation, the majority of the Australian population included in the Census has reported affiliation with a Christian religion. There has been a long-term decline in the proportion of the population identifying as Christian, from 95.9 per cent in 1911<sup>3</sup> to 52.1 per cent in 2016.<sup>4</sup>

From European colonisation in 1788 until the mid-1980s, the Anglican Church was the largest Christian denomination in Australia. After this point, it was overtaken by the Catholic Church.<sup>5</sup> Since then, the number of Catholics has continued to rise, partly due to immigration.<sup>6</sup> However, in recent years, the proportion of Catholics in the Australian population has declined, from 26.6 per cent in 2001, to 25.3 per cent in 2011, and to 22.6 per cent in 2016.<sup>7</sup> During the same period, the proportion of Anglicans in the Australian population fell from 20.7 per cent in 2001, to 17.1 per cent in 2011, and to 13.3 per cent in 2016.<sup>8</sup>

The size of religious denominations changes over time due to rates of births and deaths, immigration and emigration, and people starting and ceasing to identify with a particular religion.<sup>9</sup> Some of Australia's Christian denominations are ageing, including the Anglican Church, The Salvation Army, and the Uniting Church.<sup>10</sup> The number of people reporting 'no religion' in the Census has been steadily increasing since the 1960s,<sup>11</sup> and increased significantly from 18.7 per cent in 2006, to 22.3 per cent in 2011, and to 30.1 per cent in 2016.<sup>12</sup>

Immigration has also influenced the profile of religious affiliation in Australia. Patterns of immigration since World War II, and particularly since the beginning of the 1970s, have seen an increase in religious diversity in Australia and a steady rise in affiliation with non-Christian religions. These include Islam (2.6 per cent in 2016, up from 1.7 per cent in 2006), Buddhism (2.4 per cent in 2016, up from 2.1 per cent in 2006) and Hinduism (1.9 per cent in 2016, up from 0.7 per cent in 2006).<sup>13</sup> As of 2016, almost half of overseas-born people reported affiliation with a Christian denomination (47.3 per cent), with smaller numbers reporting affiliation with non-Christian religions (21.3 per cent), or no religion (27.1 per cent).<sup>14</sup>

Aboriginal and Torres Strait Islander peoples were not included in the national Census until after 1967,<sup>15</sup> so their religious affiliation is not known prior to that time. Under assimilation policies, many Aboriginal and Torres Strait Islander peoples were prevented from passing on their traditional practices to their children.<sup>16</sup> According to the 2016 Census, 53.5 per cent of Aboriginal and Torres Strait Islander people nominated a Christian affiliation, and 36 per cent said they had no religion.<sup>17</sup> Some Aboriginal and Torres Strait Islander people maintain traditional Aboriginal spiritual beliefs while some incorporate Christian faith with traditional spirituality.<sup>18</sup>

## 2.2 Religion and the state

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The *Australian Constitution* invokes God in its preamble, which says: ‘humbly relying on the blessing of Almighty God’.<sup>19</sup> During the conferences prior to Federation, the mainstream churches campaigned to have God acknowledged in the Constitution, an idea that was supported by the public and by most of the colonial legislative assemblies.<sup>20</sup>

But others wished to maintain a secular character to Australian political life, and in an environment where the mainstream Christian churches were competing with each other for cultural influence in the new nation, there was concern to preclude any possibility of a state religion,<sup>21</sup> or any future Australian court ruling that might ‘justify intolerant or restrictive legislation’.<sup>22</sup> This was a particular concern for some minority religious groups such as the Jewish community and Seventh-day Adventists.<sup>23</sup> Consequently, there was pressure for the inclusion of a strong clause guaranteeing freedom of religion.<sup>24</sup>

Section 116 of the *Australian Constitution* states that:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.<sup>25</sup>

Brian Galligan, Emeritus Professor of Political Science at the University of Melbourne, has argued there has been a tendency to exaggerate the secularist character of Australian political life. He has said that Australia does not have a ‘wall of separation’ between church and state like that in the United States; indeed, he has said that this has been rejected by governments and the High Court of Australia since government funding of non-government schools – mainly Catholic schools – became a prominent public policy from the 1960s.<sup>26</sup>

It should be noted that no law has ever been struck down on the basis of section 116 of the *Australian Constitution*. Section 116 does not apply to the laws of the Australian states.<sup>27</sup> Bids to make section 116 applicable to the states failed when presented to referendums in 1944 and 1988.<sup>28</sup>

Political scientist James Jupp, the editor of the *Encyclopedia of Religion in Australia*, has written that while Australians generally believe there are proper limits on the role of religion in the national political life, there has always been close collaboration between religion and the public sphere:

Public funds have been available to support religious activity since the earliest days of modern Australia. This factor is now of central importance in education, welfare, health, migrant settlement and support for established institutions.<sup>29</sup>

According to John Warhurst, Emeritus Professor in the School of Politics and International Relations at the Australian National University, Australia's political leaders have generally had a positive stance towards personal religious belief and towards the place of Christianity in the formation of Australian national identity, although 'political leaders rarely chose to wear their religious faith on their sleeves in an ostentatious way, reflecting ... Australia's political style and culture'.<sup>30</sup> Warhurst has argued that religious belief continues to exert a strong influence on politics in Australia:

The Christian churches have played a significant public role in numerous policy debates, including taxation reform, the treatment of refugees and asylum seekers, and industrial relations reform.<sup>31</sup>

## 2.3 Freedom of religion and belief

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The Australian Government as a party to both the *International Covenant on Civil and Political Rights*<sup>32</sup> (ICCPR) and the *Convention on the Rights of the Child*<sup>33</sup> (CRC) has agreed to protect both the right to freedom of religion, and the human rights of children.

Article 18(3) of the ICCPR provides that 'Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others'.<sup>34</sup>

Importantly, article 18 distinguishes between the freedom to hold a particular religion or belief, and freedom to manifest that religion or belief in conduct. The freedom to hold a religion or belief is absolute and cannot be limited for any reason under any circumstances. However, the freedom to manifest a religion or belief in worship, observance, practice or teaching may be subject to limitations, provided certain conditions are met. In addition to being prescribed by law and necessary to pursue one of the legitimate aims listed in article 18(3) of the ICCPR, the United Nations Human Rights Committee has observed that limitations may be applied 'only for those purposes for which they were prescribed' and must be 'directly related and proportionate to the specific need on which they are predicated'.<sup>35</sup> Such a limitation should be the least restrictive of all the adequate measures that could be applied.<sup>36</sup>

Consequently, legislative measures that restrict the manifestation of religious belief will be permissible where those measures are necessary and 'directly related and proportionate' to protecting children from sexual abuse or other human rights abuses and where those measures apply only for that purpose. The sexual abuse of children may violate the prohibition on 'torture or ... cruel, inhuman and degrading treatment or punishment' under article 7 of the ICCPR and the equivalent prohibition under article 37 of the CRC.<sup>37</sup> Further, article 19 of the CRC contains a prohibition on 'exploitation, including sexual abuse'. Article 19 of the CRC requires that state parties 'take all appropriate legislative, administrative, social and educational measures' to protect children from exploitation.<sup>38</sup>

## 2.4 Religion and Australian society

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### 2.4.1 European colonisation and development of the churches

Aboriginal and Torres Strait Islander systems of spiritual belief existed across Australia at the time of colonisation. Religious and cultural historian Hilary Carey, Professor of History at the University of Newcastle, has noted that the Australian continent has ‘always been a religious landscape that supports a great variety of religious traditions’, estimating that at the time of European colonisation there were approximately half a million Aboriginal and Torres Strait Islander people in Australia, divided into 250 different language groups and tribes. Carey has stated that modern ethnographers have identified ‘up to 10 major cultural blocs, each with their own distinctive religious traditions, expressed formally through myth and ritual and also saturating everyday life’.<sup>39</sup>

Historians and sociologists of religion have noted the early colonial population’s lack of enthusiasm towards organised religion.<sup>40</sup> Historian Patrick O’Farrell has argued that the timing and circumstances of European colonisation and the general climate of indifference towards religion suggest that Australia may best be understood as the first genuinely post-Christian society:

A penal colony, fighting for survival, was not interested in religion ... Its founding fathers, in contrast with those of the American colonies, came from a society where religion was in decline and disarray, eroded by scepticism and indifference.<sup>41</sup>

Both the Anglican and Catholic churches owe their Australian origins to what were essentially prison chaplaincies funded by the British Crown.<sup>42</sup> At first, the colonial administration favoured the Church of England, which was given significant land grants and a monopoly over running orphanage schools.<sup>43</sup> Sociologist Hans Mol has referred to this early stage as a period of *de facto* Anglican establishment.<sup>44</sup> Until 1827, Anglican clergymen were often appointed as magistrates, a practice which historian Roger C Thompson has said ‘reinforced the identification between church and oppressive state’ and alienated the majority of the population.<sup>45</sup>

From the time of European colonisation of Australia in 1788, the vast majority of first settlers were at least nominal members of the Church of England and Ireland (Anglicans), Scottish Presbyterians, or Irish Catholics, although there was also a small Jewish presence from the time of the First Fleet.<sup>46</sup> However, the pattern of religious settlement in Australia differed somewhat from colony to colony. New South Wales had more Catholics than elsewhere, Victoria had more Presbyterians, and South Australia had more Nonconformist (non-Anglican) Protestants such as Congregationalists, Baptists and, later, Methodists. Lutherans were present in South Australia and parts of Queensland. Later, the gold rushes attracted Chinese Buddhists and Afghan Muslims to Australia.<sup>47</sup>

Sectarianism, especially between Protestants and Catholics, was a feature of Australian life from the beginning of colonisation until at least the 1960s.<sup>48</sup> The early years of the colony were haunted by a fear of Irish Catholic rebellion and the possibility that Catholic priests might become a focus for sedition, so it was not until 1819 that the British Government agreed to appoint two Catholic chaplains.<sup>49</sup> Presbyterian and Methodist clergymen became a strong presence from the beginning of the 19<sup>th</sup> century.<sup>50</sup> Because no single denomination was numerically strong enough in Australia to take a dominant position, the churches were required to come to terms with pluralism.<sup>51</sup>

In 1836, Governor Richard Bourke introduced the *Church Act 1836* (NSW) (Church Act), which brought an end to the Anglican monopoly and provided for financial subsidies to the four major denominations (Anglican, Catholic, Presbyterian and Methodist).<sup>52</sup> The Church Act has been described as ‘the most significant ecclesiastical legislation in Australia’s history’.<sup>53</sup> Roy Williams, in his book *Post God Nation?*, has described it as a charter for religious liberty and social equality, arguing that in a profound sense Governor Bourke was the author of Australian multiculturalism.<sup>54</sup> Political scientist and historian Michael Hogan has stated that the Church Act ‘firmly established a principle which has prevailed in Australia until modern times ... if government funds are to be available to any religious denomination then they should be available to all on some basis of equality’.<sup>55</sup>

Australia’s first churchmen complained of a prevailing atmosphere of vice and dissolution in the new convict colony,<sup>56</sup> and the churches from the beginning saw improvement of the moral condition of the settlers as one of their key roles, and concerned themselves with issues such as sexual behaviour, drunkenness, and gambling.<sup>57</sup>

In the early years after colonisation, church attendance was low, and Gary Bouma, Emeritus Professor of Sociology at Monash University, has said this ‘set the pattern for a distinctive Australian religion and spirituality: low to moderate levels of participation’.<sup>58</sup> However, the increasing arrival of free settlers from the 1830s led to the growth of a more religiously observant middle class.<sup>59</sup> Hogan has commented that most colonists were not particularly religious, but at the upper levels of society religion was both respected and influential. ‘The churches could claim to have helped convert the Australian colonies from crude convict barracks to civilised and at least nominally Christian societies’.<sup>60</sup> Jupp has argued that a wave of spiritual revival, church building, religious organisation, and religious debate in Britain from the 1850s through to the 1920s had its equivalent in Australia:

By the early days of Federation, after 1901 every significant town or settlement had an Anglican, Methodist and Catholic Church ... The Salvation Army played on as many street corners, and Catholic school children marched on St Patrick’s Day, as loyally as in Dublin and New York.<sup>61</sup>

Williams has argued that from 1788 onward the Christian churches, and individual Christians, played a vital role in shaping the nascent Australian society.<sup>62</sup> Galligan has argued that the formative influence of the Christian religion and Christian churches on Australian national life and citizenship has been enormous, although this has been ‘largely taken for granted and poorly articulated and recognised’.<sup>63</sup>

## 2.4.2 Education

As discussed in Chapter 8, ‘Common contexts where child sexual abuse occurred in religious institutions’, a substantial proportion of the child sexual abuse in religious institutions that we heard about over the course of our inquiry occurred in educational institutions, particularly schools. For this reason we consider below the historical development of the provision of school education by religious organisations in Australia.

From 1788 until the mid-1800s, schooling in Australia consisted largely of schools that were set up by various Christian church groups and received colonial government funding.<sup>64</sup> As noted below, religious organisations established mission schools for Aboriginal and Torres Strait Islander children from the 1830s onwards.<sup>65</sup>

The Church of England had a virtual monopoly on school education in the earliest years after colonisation. In 1812 the Anglican chaplain Samuel Marsden wrote that the Anglicans had established a school ‘in almost every district’ of the new colony,<sup>66</sup> and government-supported Anglican schools provided most of the education in the colony at this stage.<sup>67</sup> Under Governor Lachlan Macquarie, the 1825 Church and Schools Estates Corporation Charter allocated a seventh of colonial land grants to the maintenance of the Church of England and its schools.<sup>68</sup> The first Catholic school in Australia was established in the colony of New South Wales, sometime between 1803 and 1806.<sup>69</sup> By 1833 there were 10 Catholic schools, all located in New South Wales.<sup>70</sup>

The second half of the 19<sup>th</sup> century saw the gradual introduction of government-funded schools that were ‘free, compulsory and secular’.<sup>71</sup> Beginning in South Australia, the colony with the highest percentage of non-Anglican Protestants (52 per cent of the population in 1860), Nonconformists supported the abolition of government funding for religious schools as a way of overcoming Anglican dominance.<sup>72</sup> This led to the establishment of the first secular school system in Australia, in 1851. The other colonial governments also withdrew funding for religious schools over the following decades.<sup>73</sup> By 1893 all colonies had passed education acts providing for the formation of government-operated school systems.<sup>74</sup>

However, the Catholic bishops rejected the new state school system and continued to operate independent Catholic schools.<sup>75</sup> In 1879, in a pastoral letter on behalf of the Catholic bishops of New South Wales, the Archbishop of Sydney, Archbishop Roger Bede Vaughan, described the secular schools as ‘a system of practical paganism, which leads to corruption and loss of faith, to national effeminacy and to national dishonour’, and as ‘seed-plots of future immorality, infidelity and lawlessness’.<sup>76</sup>

The loss of government subsidy forced the bishops to undertake large-scale recruitment of Catholic brothers and sisters from Ireland and elsewhere to staff the Catholic school system. By 1950 there were about 12,000 members of Catholic male and female religious orders in Australia, of whom five out of every six were school teachers.<sup>77</sup>

Unlike the Catholic Church, other religious denominations did not persist with primary education on a national scale following the emergence of widespread secular education in the second half of the 19<sup>th</sup> century. However, some denominations, such as the Lutherans and Seventh-day Adventists, maintained much smaller networks of primary schools. The Anglican Church focused on providing secondary schools, including some elite schools, and other denominations created similar elite schools, including the Presbyterian, Methodist and Catholic churches.<sup>78</sup>

The Commonwealth commenced funding of Independent and Catholic schools in the early 1960s when the Menzies government made grants for science facilities available to both government and non-government schools. In the early 1970s, the Whitlam government provided funding for non-government schools based on the combined principles of entitlement and need.<sup>79</sup>

In 2016, 20.2 per cent of Australian school students were in Catholic schools and 14.4 per cent attended Independent schools,<sup>80</sup> around 85 per cent of which have a religious affiliation.<sup>81</sup> In the 30 years from 1986 to 2016, the Catholic and Independent school sectors both grew. During this period, the Independent sector more than doubled in size, from 212,565 students in 1986 (7.1 per cent) to 546,413 students in 2016 (14.4 per cent).<sup>82</sup> This period saw the establishment of numerous Independent Christian as well as a smaller number of Muslim schools. In the same period, the proportion of students enrolled in government schools declined from 73.6 per cent to 65.4 per cent.<sup>83</sup>

Chapter 8 discusses the nature and extent of child sexual abuse in schools managed by or affiliated with religious organisations. Institutional responses to child sexual abuse in Catholic schools are discussed in Section 13.10, 'Catholic Church responses to child sexual abuse in schools'. Volume 13, *Schools*, details what we learned about child sexual abuse across all school sectors.

### 2.4.3 Social welfare

As discussed in Chapter 8, a substantial proportion of the child sexual abuse in religious institutions that we heard about over the course of our inquiry occurred in residential institutions, many of which were established as part of various churches' social welfare programs. For this reason, we consider below the historical development of the provision of social welfare services by religious organisations in Australia.



Religious organisations are the largest non-government providers of health and social welfare services in Australia.<sup>84</sup> They not only supplement the work of public agencies but also are formally contracted by various Australian governments to deliver services. For example, the Catholic Church has played a major role in providing public and private hospitals in Australia. Other denominations involved in hospital care include the Presbyterians, Uniting Church and Seventh Day Adventists.<sup>85</sup>

As of 2015, there were approximately 12,000 religious charities active in Australia.<sup>86</sup> Faith-based charities are by far the largest single category of charities in Australia, with one third of all charities including 'advancement of religion' as one of their charitable purposes.<sup>87</sup> These range from organisations serving local communities to some of Australia's largest providers of education, health, aged-care and disability services. Religious charities also attract a proportionately larger number of volunteers than other charities.<sup>88</sup>

For most of the 19<sup>th</sup> century, the Australian colonies imposed no direct taxes on income, land or wealth, and provided no government-funded social welfare. The relief of poverty and social distress was therefore predominantly the province of the churches, and of prominent philanthropists, many of whom were motivated by religious conviction.<sup>89</sup> The growing problem of working class poverty in the inner cities coincided with the emerging influence of groups such as the Methodists and The Salvation Army, which had grown out of the 'Great Awakening' or 'Evangelical Revival' in the second half of the 18<sup>th</sup> century, emphasising conversion, optimism, philanthropy, and social action for reform.<sup>90</sup>

The first Methodist church in Sydney was established in 1812. Renamed the Methodist Central Mission in 1884, it focused on evangelisation and social justice for the poor and vulnerable of the city. Following the establishment of the Uniting Church in 1977, it became Wesley Mission.<sup>91</sup> The Salvation Army arrived in Australia in 1880 and ministered to the poorest members of the community, especially in the inner cities.<sup>92</sup> Social historian Shurlee Swain, Professor of Humanities at the Australian Catholic University, has noted that The Salvation Army quickly formed alliances with government to deliver social services, and established 25 institutions ranging from children's homes to hospitals in its first 25 years.<sup>93</sup> The Catholic-run St Vincent de Paul Society, whose Australian conference was founded in Melbourne in 1854, also became a major agency giving assistance to the poor.<sup>94</sup> According to Brian Howe, political scientist, former Methodist and Uniting Church minister and former Deputy Prime Minister of Australia, Australia's reputation as a leader in social reform in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, including the introduction of age and disability pensions on a non-contributory basis, 'was no accident, but rather the outcome of the combined efforts of church-based social reformers, often in concert with the trade union movement'.<sup>95</sup>



Joanna Penglase, co-founder of Care Leavers Australia Network (CLAN), has estimated in her book, *Orphans of the living: Growing up in 'care' in twentieth-century Australia*, that by the middle of the 20<sup>th</sup> century there were approximately 500 children's homes across Australia, many of them operated by churches.<sup>96</sup> In 1999, the Catholic Church published a national directory of records of its homes, which listed 139 homes that were administered by 40 Catholic organisations at various times over a period of 160 years.<sup>97</sup> The first Catholic orphanage school in Australia was opened in Sydney in 1836 and moved to Parramatta in 1844. By the 1860s, orphanages administered by Catholic religious congregations were operating in all Australian capital cities.<sup>98</sup> The Anglican Church and The Salvation Army both operated many children's homes, starting around 1890. The Methodist and Presbyterian churches have been described as 'relatively small players' in relation to children's residential institutions.<sup>99</sup> The Salvation Army and the Catholic Church also administered juvenile correctional facilities or 'training schools' in a number of states.<sup>100</sup>

Penglase has commented that while the motivations for setting up these homes 'were almost certainly benevolent within the contemporary meanings of that term',<sup>101</sup> Christian views of sin and punishment were used to rationalise the repressive character of the care that many of these institutions provided:

The guilt and sin of Catholic doctrine, the dour anti-pleasure ideology of the evangelical Protestants – Methodists, Presbyterians, Salvationists – and the chilly austerity of the Anglican Church all found expression, in Children's Homes, in a practice that had little to do with love or comfort and much to do with the repression of all feeling.<sup>102</sup>

In the late 1800s, Queensland, Victoria and Western Australia relied heavily on church-run homes because they were cheaper to run. The Australian Senate Community Affairs Reference Committee's 2004 report *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children (Forgotten Australians)*, has noted that in Queensland, a state government financial crisis in 1866 led to the government licensing and partly funding the Catholic-run St Vincent's orphanage to care for children who were state wards.<sup>103</sup> From the 1890s in Queensland, the vast majority of children in out-of-home care were sent to Catholic orphanages.<sup>104</sup> The Victorian government was also particularly reliant on church-run institutions, having virtually ceased operating institutions of its own in the 1870s.<sup>105</sup> The situation was similar in Western Australia, where the Anglican Church was a prominent provider.<sup>106</sup> Penglase has noted that every state apart from New South Wales ultimately came to rely on church agencies and charitable organisations to provide residential accommodation for state wards.<sup>107</sup> According to Elizabeth Mellor in her book *Stepping stones: The development of early childhood services in Australia*, church homes were run largely free from government supervision.<sup>108</sup>

As highlighted in Volume 11, *Historical residential institutions*, non-Aboriginal children were placed into residential institutions for many reasons including voluntary surrender, neglect and vagrancy. The 'deserving poor' were accepted into orphanages from the 1820s onwards, while those who were destitute were placed in industrial or training schools.<sup>109</sup> Swain has reported that while Aboriginal and Torres Strait Islander children were sometimes placed in these institutions, many states developed 'parallel Indigenous-specific systems', which included hostels, homes, farms and missions, with the common aim of assimilation.<sup>110</sup>

The various state and territory Aboriginal Protection Acts enabled Aboriginal and Torres Strait Islander children to be placed in residential institutions.<sup>111</sup> Where missions and other residential institutions for Aboriginal and Torres Strait Islander children were operated by religious groups, state governments were still responsible for the oversight and regulation of institutions in their jurisdiction.<sup>112</sup> The 1997 report *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Bringing them home)* found that institutions for Aboriginal and Torres Strait Islander children lacked even the basic safeguards afforded to non-Aboriginal children.<sup>113</sup>

The Catholic Church and a number of Protestant churches, along with non-denominational charities such as the Fairbridge Society and Barnados, participated in schemes to bring child migrants to Australia during the 20<sup>th</sup> century.<sup>114</sup> Child migration was the subject of a 2001 Australian Senate Standing Committee on Community Affairs report, *Lost Innocents: Righting the record – Report on child migration*. Church-run institutions involved in child migrant schemes were also among those considered in the 2004 *Forgotten Australians* report.<sup>115</sup> Australian inquiries relevant to the institutional response to child sexual abuse are discussed further in Chapter 5.

Discussion of the nature and extent of child sexual abuse in residential institutions managed by religious organisations is provided in Chapter 8. In addition, Volume 11, *Historical residential institutions*, details what we learned about child sexual abuse in historical residential institutions.

#### 2.4.4 Christian missions and Aboriginal and Torres Strait Islander peoples in Australia

We heard from Aboriginal and Torres Strait Islander people who told us they were sexually abused as children in Christian missions. For this reason, we consider below the historical development of Christian missions involved in the everyday lives of Aboriginal and Torres Strait Islander children.

In the early years of colonisation, missionaries fanned out through the south-east of the continent but these ventures were mostly short-lived.<sup>116</sup> As the *Bringing them home* report noted, these early missionary efforts ‘failed to attract the support of Aboriginal people’.<sup>117</sup> Prominent examples of these failures are the short-lived Presbyterian-Moravian mission at Moreton Bay in Queensland (1838–48) and the Catholic Church’s first missionary endeavour in Australia, at Stradbroke Island (1843–47).<sup>118</sup>

In 1846, a group of Spanish Benedictines established an abbey mission at New Norcia in Western Australia, 100 kilometres north-east of Perth.<sup>119</sup> Data provided to the Royal Commission by the Benedictine Community of New Norcia has indicated that a considerable number of claims of child sexual abuse have been made in relation to this institution.<sup>120</sup> Moravian Methodist missionaries were active from 1858 in the Wimmera district of Victoria.<sup>121</sup> Missionaries of the Society of Jesus (Jesuits) were active in South Australia and, in the 1880s and 1890s, in the Daly River area of the Northern Territory.<sup>122</sup> The German Society of the Catholic Apostolate (Pallotine Fathers) was active in the Kimberley region of Western Australia from 1901. In Queensland, Presbyterian-Moravian missions were established on Cape York at Mapoon (1891), Weipa (1898), Aurukun (1904) and Mornington Island (1914).<sup>123</sup> The best-known German Lutheran missions were the Finke River Mission at Hermannsburg near Alice Springs (1877) in the Northern Territory, the Bethesda Mission (1866) in Queensland, and the Hopevale mission at Cape York (1886), also in Queensland.<sup>124</sup>

In 1837, a parliamentary select committee presented a report to the House of Commons in London, recommending that the protection of Aboriginal people should be considered as a duty of the executive government, that religious instruction and education should be provided to Aboriginal people, and that missionaries should be encouraged to work with Aboriginal people.<sup>125</sup> The select committee proposed a protectorate system whereby the 'education of the young will of course be amongst the foremost of the cares of the missionaries; and the Protectors should render every assistance in their power'.<sup>126</sup> The protectorate system assumed that Aboriginal and Torres Strait Islander people would willingly move into reserves and 'not interfere with the land claims of colonists'.<sup>127</sup>

Some missions were established around the country on humanitarian grounds, as missionaries sought to protect Aboriginal and Torres Strait Islander people from massacres and sexual violence. As noted in the *Bringing them home* report, the brutality that characterised the non-Indigenous occupation of northern Australia 'meant that the missions were often the only place of sanctuary'.<sup>128</sup> Other missions were established where Aboriginal resistance was strongest against the land claims of colonists.<sup>129</sup> Many religious organisations were engaged by government in the administration of the various Aboriginal Protection Acts, which had the effect of forcing Aboriginal people off their land and placing them in segregated reserves.<sup>130</sup> Carey has argued that the Aboriginal Protection Acts gave missionaries the power to separate families and coerce Aboriginal people to remain on missions, and 'greatly increased the exploitative power of missionary regimes while not noticeably increasing the number of converts to Christianity'.<sup>131</sup>

Missions received inadequate funding from governments. Conditions were dire and people were hungry, were denied access to medical care, and died prematurely.<sup>132</sup> As discussed in Chapter 8, we heard from survivors in private sessions about sexual abuse of Aboriginal and Torres Strait Islander children in residential institutions managed by religious organisations, including missions.

The Anglican, Baptist, Christian Brethren, Catholic, Churches of Christ, Methodist, Pentecostal, and Presbyterian churches were all engaged in the administration of one or more mission institutions or mission-related institutions at various times.<sup>133</sup> Our commissioned research shows that at least 61 institutions began as mission schools.<sup>134</sup> Swain has stated that:

[Mission schools were] established by religious organisations with most major and several minor denominations having an involvement in this field. The oldest listed so far opened in Western Australia in 1834. South Australia followed in 1851, the Northern Territory in 1877, Queensland in 1887, and New South Wales in 1893. They were most plentiful in colonies and later in states whose substantial indigenous communities provided a fertile field for missionaries.<sup>135</sup>

Two national inquiries have noted the impact of Christianity on Aboriginal and Torres Strait Islander peoples. The 1991 report of the Royal Commission into Aboriginal Deaths in Custody noted how ‘Colonial takeover was premised on the assumption that European culture was superior to all others, and that Europeans could define the world in their terms’.<sup>136</sup> Referring to the founding of South Australia, the report stated that this involved ‘considerable activity in the direction of converting the people to the Christian religion, but not to the protection of their rights to occupation or enjoyment of lands’.<sup>137</sup> The *Bringing them home* report noted the role of Christianity in relation to assimilation policies in the 20<sup>th</sup> century, including, for example, that in the Northern Territory from the 1930s onwards, ‘the inculcation of Christian “moral values” was seen as a way of promoting assimilation’.<sup>138</sup> The *Bringing them home* report also noted that Aboriginal children were often punished for not adhering to Christian religious practices, and that some missions actively prevented children from speaking their language or practising their culture.<sup>139</sup>

Beginning in the 1960s, there was a change in the attitude of many of the Christian churches towards Aboriginal and Torres Strait Islander people. In 1965 the Reverend Dr Frank Engel, the head of the Australian Council of Churches’ National Missionary Council, prepared a paper for the Australian Council of Churches annual meeting in which he outlined the Aboriginal and Torres Strait Islander case for land rights and payment of compensation.<sup>140</sup> Within a few years, this was followed by declarations of broad support by almost all the mainstream churches.<sup>141</sup> A number of churches have since publicly recognised their complicity in the trauma of separating Aboriginal and Torres Strait Islander children from their cultural and spiritual heritage.<sup>142</sup>

Further discussion of Aboriginal and Torres Strait Islander children’s experience of sexual abuse is provided in Chapter 7, ‘People we heard about in religious institutions’ and Chapter 8. Volume 2, *Nature and cause*, and Volume 11, *Historical residential institutions*, include further detail of what Aboriginal and Torres Strait Islander people told us about child sexual abuse in institutional contexts.

## 2.4.5 Religion in contemporary Australia

After World War II, religion in Australian society was transformed by a wave of immigration predominantly from Europe.<sup>143</sup> A gradual weakening of restrictions on immigration opened the way to Buddhist, Muslim, Hindu and Sikh migrants from Asia and the Middle East from the mid-1960s onwards.

Immigration has also had a significant impact on many Christian denominations, including Catholics, Anglicans, Presbyterians, Baptists, the Uniting Church, and Pentecostals.<sup>144</sup> Christian denominations became more ethnically diverse, with growth in Catholic and Orthodox populations, and the creation of ethno-specific parishes among other denominations.<sup>145</sup> The Jewish population in Australia also grew and diversified following the arrival of Holocaust survivors from Europe through refugee and other schemes.<sup>146</sup>

A number of North American religious movements which already had a presence in Australia due to missionary endeavour, including the Mormons, Pentecostals, Seventh-day Adventists and Jehovah's Witnesses, were also strengthened by immigration, mainly from the Pacific.<sup>147</sup> On a smaller scale, a range of new religious movements and nature religions contributed to the increasingly diverse picture.<sup>148</sup>

Bouma has argued that, since the end of the Cold War, the relationship between religion and society has been undergoing a process of transformation characterised by increasing diversification and by revitalisation, including in Australia. Religion and spirituality has slipped out from the control of previously mainstream denominations, and religious belief and practice has been characterised by increasing congregationalism and a decline in the power and influence of national and regional religious organisations:

Separate congregational organisations with limited networks and no collective organ of responsibility are replacing once strong and vertically integrated Christian denominations. Of course, religious groups like Muslims, Jews, Buddhists and others have long lived without the kinds of organisational structures that characterised Christendom.<sup>149</sup>

Prior to, and immediately after World War II, Christianity played a central role in Australian civic and communal life. That influence has waned, due to the increasingly secularist and multifaith nature of Australian society. However, religion continues to play a prominent role in civil society.<sup>150</sup>

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### 3 Child sexual abuse in the global Catholic Church: early history and previous inquiries

The Royal Commission has considered the emergence of the issue of child sexual abuse in the global Catholic Church. We have done so in order to inform our consideration of responses to child sexual abuse in the Catholic Church in Australia. We have considered whether there are parallels between institutional responses to child sexual abuse by Catholic Church authorities in Australia and the response in other countries.

Our primary source of information has been the public inquiries into child sexual abuse in the Catholic Church conducted in other countries. These inquiries demonstrate that child sexual abuse in the Catholic Church is a global issue, and suggest that there are commonalities between countries in relation to both the nature of the abuse and institutional responses to that abuse.

There have also been a small number of overseas inquiries regarding child sexual abuse in institutions managed by other religious organisations in the United States, the United Kingdom and Canada. These inquiries are discussed in Chapter 4, 'Overseas inquiries into child sexual abuse in religious institutions other than Catholic Church institutions'.

This chapter commences with an overview of child sexual abuse as an issue in the Catholic Church from the earliest years of Christian history through until the 20<sup>th</sup> century, including an overview of the early history of child sexual abuse in the Catholic Church in Australia.

It then considers the more recent awareness of child sexual abuse in the global Catholic Church as it has emerged in the following countries and regions:

- the United States
- Canada
- Republic of Ireland and Northern Ireland
- the United Kingdom (England, Wales, Scotland, Northern Ireland)
- Europe (Belgium, The Netherlands, Germany, Italy, France, Spain)
- South America
- Africa
- Asia.

## 3.1 Early history of child sexual abuse in the Catholic Church

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Child sexual abuse in the Catholic Church is not a recent phenomenon.<sup>1</sup> It has a long history reaching back to the first centuries of Christianity.<sup>2</sup>

Mark D Jordan, the Andrew Mellon Professor of Christian Thought at Harvard Divinity School and Professor of the Studies of Women, Gender and Sexuality at Harvard University, has written that:

Priests and monks have been accused for centuries of abusing the minors entrusted to them. Sometimes the minors are parishioners or prostitutes; at other times, seminarians or novices. Sometimes the minors have not yet entered puberty, but most often they are pubescent teenagers. Sometimes those we would label ‘minors’ were not considered minors under the law, since the age of majority has varied considerably by time and place in Christendom. Despite efforts at secrecy and the general hazards for historical records, cases of an enormous variety have left their traces in the archives.<sup>3</sup>

Among the leading sources of information about sexual misconduct by Catholic clergy and religious, including the sexual abuse of children, is the Catholic Church’s body of canon law stretching from these early centuries to the present day. In both the 1917 and 1983 codes of canon law, the sexual exploitation of a minor by a cleric is a ‘delict’ or canonical crime.<sup>4</sup> In their 2006 book *Sex, priests, and secret codes: The Catholic Church’s 2000-year paper trail of sexual abuse*, American Dominican priest, canon lawyer and survivor advocate Dr Thomas P Doyle OP, psychotherapist and former Benedictine monk Richard Sipe, and canon lawyer and former Benedictine priest Patrick Wall have observed that laws, including church laws, are never passed in a vacuum, but always in response to some perceived problem.<sup>5</sup>

Dr Doyle also gave evidence, during our *Case Study 50: Institutional review of Catholic Church authorities (Institutional review of Catholic Church authorities)* public hearing, that there is abundant evidence that the Catholic Church from its earliest centuries has repeatedly tried to grapple with the sexual sins of the clergy, and that the historical development of canonical legislation concerning clergy sexual abuse verifies that it has been a serious problem from the earliest years of Christianity: ‘There is no sense [in canon law] of the extent of clergy sexual abuse, but one can surmise that the official notification betrays a problem of significant proportion’.<sup>6</sup>

Other sources of information about child sexual abuse in the Catholic Church include the writings of theologians and church leaders,<sup>7</sup> and documents which have come to light through archival research – for example, in the archives of monasteries and of the Spanish Inquisition.<sup>8</sup>

The history of child sexual abuse in the Catholic Church is only one aspect of a wider history of sexual misconduct by Catholic clergy and religious which also includes the sexual abuse of adult women and men. Doyle, Sipe and Wall have noted that a review of the Catholic Church’s canon law system and case law over the centuries reveals ‘the consistent failure of clerics to observe their vows of celibacy’.<sup>9</sup> In response, popes and church councils produced a stream of laws,



decrees and instructions that sought to ‘regulate the sex lives of the clergy’ and condemned the sexual abuse of children, along with homosexual acts, living in ‘concubinage’ with female sexual partners, and solicitation in the confessional.<sup>10</sup>

### 3.1.1 Tradition of Christian concern for the welfare of children

The long history of child sexual abuse within the Catholic Church stands in stark contradiction to a deeply embedded Christian principle of valuing children and being concerned for their welfare. In their 2017 report, *Child sexual abuse in the Catholic Church: An interpretive review of the literature and public inquiries*, Desmond Cahill, Professor in the School of Global, Urban and Social Studies at RMIT University and Dr Peter Wilkinson noted that over the centuries the Catholic Church has ‘educated and cared for millions of children, sometimes in the most scarifying circumstances, giving them bright, fulfilling and transcendent futures’.<sup>11</sup> They further suggested that the tragedy of child sexual abuse in the Catholic Church has undermined the dedicated and self-sacrificing work of many priests and other religious within the Church, as well as badly damaging, if not destroying, many thousands of lives across the world.<sup>12</sup>

There is no doubt that the early Christian Church regarded what we would now term child sexual abuse, as gravely sinful. For example, a very early Christian treatise, known as the Didache, which has been dated to the mid-1<sup>st</sup> century, prohibits adult men from having sex with boys.<sup>13</sup> While it is clear from the New Testament that slavery as an institution was tolerated by the early church in its Greco-Roman sociocultural context,<sup>14</sup> a number of leading figures of the early church, including St Justin Martyr (c 100–165), Tertullian (c 155–240) and St Basil of Caesarea (c 330–379) spoke against the kidnapping of vulnerable children into prostitution and against child slavery, which often involved sexual exploitation.<sup>15</sup> American historian John Boswell has noted the ‘extreme prevalence’ in the ancient world of abandoning unwanted children to be sold into slavery:

A very large percentage of such children were used for sexual purposes, at least from adolescence until they were old enough to be employed as labourers. The testimony of both pagan and Christian apologists bear witness to the ubiquity of this practice. Justin Martyr explains that ‘we have been taught that it is wrong to expose even the newborn ... because we have observed that nearly all such children, boys as well as girls, will be used as prostitutes’.<sup>16</sup>

German historian and theologian, Hubertus Lutterbach, has suggested that Christian disapproval of child sexual abuse was partly grounded in the Christian view of sex as something only permissible within marriage for the sake of procreation, and that it also drew on the preeminent Christian commandment to love God and love one’s neighbour, as demonstrated by the early Christians, ‘in a way unique in the world of the time’, through their care for the weakest members of society.<sup>17</sup>

### 3.1.2 Limitations on knowledge of the early history of child sexual abuse

Although there is enough material in the historical record to enable us to conclude that child sexual abuse has been a significant and recurring problem throughout the Catholic Church's history, and that historians and researchers will continue to bring new evidence to light, it is unlikely that a comprehensive, sequential history of child sexual abuse in the Catholic Church over the past 2,000 years will ever be possible. Cahill and Wilkinson have listed a number of 'hindrance factors' to the creation of such a history, among them the loss or destruction of material held in diocesan secret archives, the use of code words and euphemisms, the omission of negative material from the historical record, and the provisions contained in some 19<sup>th</sup> and 20<sup>th</sup> century Vatican concordats with states which provided that clergy charged with civil crimes were not to be publicly tried, in order to keep clerical crimes from public visibility.<sup>18</sup> They have suggested that more evidence of child sexual abuse contained in documents, letters and correspondence is likely to be buried in Catholic Church archives.<sup>19</sup> However, it is only to be expected that over the course of 2,000 years many historical church records relating to child sexual abuse will have been lost or destroyed.

Although from the earliest times there were both ancient Roman civil laws and church laws against what we would now call child sexual abuse, the term 'child sexual abuse' is partly anachronistic when applied to the early history of Christianity. Cahill and Wilkinson have noted that the Catholic Church has traditionally distinguished between childhood and adulthood in terms of puberty and the capacity for procreation, as seen in the age limits for marriage.<sup>20</sup> In the canon law of the medieval period, the minimum age for marriage was 12 years for girls and 14 years for boys.<sup>21</sup> In the 20<sup>th</sup> century, both the 1917 and 1983 codes of canon law stipulated that girls can be married at 14 years old and boys at 16 years old in a Catholic church. The applicable canon in the 1983 Code remains in force today.<sup>22</sup>

Understandings about sexual behaviour and sexual identity have also changed over time. The notion of 'sexual identity' is a recent development in psychological literature and understanding. The term 'homosexual' did not exist until the 19<sup>th</sup> century and consequently is not found in earlier canon law or theological literature.<sup>23</sup>

It should also be noted that canonical and other documents from earlier centuries do not always distinguish clearly between sexual activity between adults of the same sex and sexual activity between adults and minors. Terms such as 'sodomy' or 'against nature' were often used to describe a wide range of non-reproductive sexual activity between males and females, and between persons of the same sex, and this would also have included sex with children.<sup>24</sup>

A further limitation is that sexual misconduct has often been masked by code words or euphemisms. Cahill and Wilkinson have pointed to the use of terms such as ‘against the sixth commandment’; ‘against the *sextum*’ (the sixth commandment: ‘Thou shalt not commit adultery’); ‘broke his vows’; ‘imprudent behaviour’; ‘*crimen pessimum*’ (the worst crime); or the old English slang term ‘goosing’, which Australia’s first Catholic bishop, Archbishop John Bede Polding (1794–1877), used in his diaries to refer to child sexual abuse.<sup>25</sup> In church chancery documents, various Latin terms were also used, including ‘*crimen*’ and ‘*delicta*’ (crime), and ‘*de re turpi cum infantibus*’ (concerning a depraved matter with children).<sup>26</sup>

Euphemisms for clergy sexual misconduct continued to be used until the contemporary period. Sipe has documented various terms used by bishops referring their priests for treatment, including: ‘health and family reasons’, ‘horseplay and wrestling’, ‘evidence of questionable judgement’, ‘dubious personality’, ‘character flaws’, and ‘excessive stress’. Sipe also has stated that the term ‘alcoholism’ was used as a cover word for clerical sexual abuse, especially in the earlier decades of the 20th century, because of the presumed correlation between alcohol use and sexual abuse. The seminary file of convicted Louisiana priest Father Gilbert Gauthe contained phrases such as ‘affinity with boys’ and ‘a problem with boys’. Both Sipe and the 2011 Commission of Inquiry into Sexual Abuse of Minors in the Roman Catholic Church, in the Netherlands, headed by Willem Deetman (Deetman inquiry), have indicated that it was also common in the first half of the 20th century for priests and religious who sexually abused children to be referred to as schizophrenics.<sup>27</sup>

### 3.1.3 Early Church laws regarding child sexual abuse by clergy

The earliest church laws regarding child sexual abuse can be traced back to the decrees of the Synod of Elvira, held in southern Spain around 305–306 CE. The Elvira Synod is important because it is the first synod or council for which there are written records.<sup>28</sup> This gathering promulgated 81 canons for the Catholic communities of the region, dealing with a wide range of matters, including clerical celibacy, apostasy, and the sexual behaviour of both the clergy and the laity.<sup>29</sup> The Synod of Elvira explicitly condemned child sexual abuse. Canon 12 decreed that parents who sold their children into prostitution were to be denied communion, even on their deathbeds, suggesting that they were to be permanently excommunicated.<sup>30</sup> Canon 33 was the first time the church had expressly demanded sexual continence (abstinence) of its married clergy in a canonical decision.<sup>31</sup>

Dr Doyle told the Royal Commission that two other canons of the Synod of Elvira were directly related to clergy sexual abuse of children:

One (n 71) says that men who sexually abuse boys shall be denied communion even at death. The other, (n 18) says that bishops, priests or deacons who are discovered to be sexual offenders shall be denied communion even at the time of death.<sup>32</sup>



Elsewhere, Doyle, Sipe and Wall have noted that, although Canon 71 does not refer specifically to clergy who sexually abuse boys, clergy are covered by its general admonition.<sup>33</sup> It should be noted that the Synod of Elvira was a local or regional council and its views did not necessarily reflect those of the wider church at that time.

Scholars have suggested that the sexual abuse of children in and around monasteries was an early problem for the Christian Church. Both American Jesuit theologian William Harmless SJ and Diarmaid MacCulloch, Professor of the History of the Church at the University of Oxford, have noted that the sexual abuse of teenage monks was a concern from the time of the earliest Christian monasteries in the Egyptian desert, around the 3rd century. During that time, monastic rules were developed which aimed to prevent this abuse.<sup>34</sup>

In the 4<sup>th</sup> century, St Basil of Caesarea (c 329–379), the main author of the monastic rule of the Eastern churches, established guidelines for monastic life which included harsh punishments for monks who sexually molested boys. They were to be publicly whipped, to have their heads shaved, to be spat upon, to be kept in prison for six months on a diet of bread and water, and ‘shall never again associate with youths in private conversation nor in counselling them’.<sup>35</sup> St John Cassian (365–435), who introduced the rules of Eastern monasticism to the West, admonished monks against withdrawing with others to their individual cells after prayers: ‘Let no one, especially among young folk, remain alone with another even for a short time, or withdraw with him or take him by the hand’.<sup>36</sup>

From the 6<sup>th</sup> century, it became customary to accept children into monasteries. Child oblation is the name given to the practice whereby parents donated their five to seven-year-old sons or daughters to be brought up in the monastic life.<sup>37</sup> Lutterbach has commented that the protection of children from sexual abuse was ‘virtually a core concern’ in the regulations for monastic life during the Middle Ages, although he has said that the primary focus of this concern was the ritual impurity (for the monks) associated with sexual activity,<sup>38</sup> suggesting that the plight of the children was not the primary focus.

### 3.1.4 The Middle Ages

In spite of celibacy being universally mandated for clergy by the First Lateran Council (1123), and reaffirmed by the Second Lateran Council (1139), Dr Doyle, in his evidence during our *Institutional review of Catholic Church authorities* public hearing, stated that ‘this law was received with neither universal acceptance nor obedience’. He told us that from the 4<sup>th</sup> century to the end of the medieval period, ‘violations of clerical celibacy and Catholic sexual morality were commonplace, expected by the laity and highly resistant to official disciplinary attempts to curb and eliminate them’.<sup>39</sup> He told us that, within the clergy, adultery, casual sex with unmarried women, and homosexual relationships were ‘rampant’.<sup>40</sup>

Dr Doyle also told us that:

Clerical sodomy, especially with young boys, continued to be a known problem though it did not attract as much legislative attention as clerical concubinage [relationships with women] and this [was] quite possibly because of the ongoing attempts to eliminate clergy marriages. The 4<sup>th</sup> Lateran Council (1215) repeated the previous council's condemnation of celibacy violations. It added however a specific mention of homosexual sex by clerics and decreed that those found guilty of this transgression were either to be dismissed from the clerical state or confined to a monastery for life.<sup>41</sup>

Importantly, American historians Warren Johannson and William Percy have suggested that the 'presumptive' form of homosexual activity in the medieval period was 'ephebophilic' – that is, male adult–adolescent homosexual activity as practiced in ancient Greece. It is likely that this remained the predominant form of homosexual activity into the medieval period and beyond, although this may not have been the case in all centuries or all areas. Johannson and Percy have noted that 'fifteenth century evidence from Florence and Venice, far more detailed than for any previous medieval society, indicates that the classic age-asymmetrical variant remained normative'.<sup>42</sup> Dr Doyle has stated that 'when the medieval ecclesiastical literature refers to clerics committing *sodomia* it is most probable that the reference is to sexual relations with young adolescent boys'.<sup>43</sup>

Dr Doyle also gave evidence that 'Sexual abuse of minors and women was not a result of mandatory celibacy, since it had been recognised as a serious problem for several centuries before it became a universal obligation' in the 12<sup>th</sup> century.<sup>44</sup>

## The penitential manuals

Another source of information about sexual crimes committed by clergy against young boys and girls in the early Middle Ages, as well as the attitudes of the Catholic Church of the Middle Ages towards sexuality, are the penitential books.<sup>45</sup> These were detailed manuals listing sins and corresponding penances, written to assist confessors. They were widely used from the 7<sup>th</sup> to the 13<sup>th</sup> centuries.<sup>46</sup>

The penitentials of David (525 CE), Columbanus (600), Cummean (650), Theodore (690) and Bede (early 8<sup>th</sup> century) all list the homosexual acts committed by clerics as sins.<sup>47</sup> According to the *Penitential of Bede*, the punishment for those committing such acts was to be increased commensurate with the rank of the perpetrator: laymen were to be excommunicated and made to fast for three years, and deacons and priests for seven years and 10 years respectively, and bishops who sexually abused children were to be given 12 years of penance.<sup>48</sup> American historian James Brundage has noted that the prescriptions drawn from the penitentials quickly found their way into the collections of canon law, and penitential writers came to rank as canonical authorities.<sup>49</sup>

## St Peter Damian's *Book of Gomorrah*

The most dramatic and explicit condemnation of clergy sexual abuse of minors in the Middle Ages came from the Benedictine monk and reformer St Peter Damian (1007–1072/73), who became Cardinal Bishop of Ostia, near Rome.<sup>50</sup> In about 1051, framing the issue around ritual purity, canon law, and abuse of power, Peter Damian wrote his first treatise on sexual abuse by clergy, known as the *Book of Gomorrah*, and sent a copy to Pope, Leo IX (1049–54).<sup>51</sup> In particular, the *Book of Gomorrah* confronted the problem of monks and priests who sexually abused young boys and adolescents, bishops and religious superiors who sexually abused their 'spiritual sons', and the laxity of bishops who failed to address clergy abuse either because they were too pious to confront it or because they were motivated by a shortage of priests.<sup>52</sup>

American psychologist Paul J Isely has stated that the impression given by Peter Damian is that sexual contact between adult monks and young boys was a serious phenomenon at this time.<sup>53</sup> According to Church historian and theologian, C Colt Anderson, Damian claimed 'that boys and adolescents who entered into the lower ranks of the clergy found themselves "enslaved under the iron rule of Satanic tyranny" because they were commanded or seduced' into sodomy and other sexual acts by older clerics.<sup>54</sup> Notably concerned about the impact of abuse on the victims, Damian described such acts as spiritual infanticide and likened the sexual abuse by monks of their male pupils to incest.<sup>55</sup> However, some modern historians have suggested that Damian was overly fixated on sexual misbehaviour by clerics and that his judgements should be treated with caution.<sup>56</sup>

Damian advocated the dismissal from holy orders of any priest or monk who engaged in pederasty, and argued that bishops who failed to depose clerics who seduced boys and adolescents were just as guilty as the perpetrators, in that they provided such men with opportunities to prey on people in their care. Two offences that Peter Damian singled out for particular mention are priests who confessed to each other after engaging in sexual acts together, and priests who engaged in sexual acts with their male penitents.<sup>57</sup>

The final chapter of the *Book of Gomorrah* appealed to Pope Leo IX to take action. He warned that 'Unless immediate effort be exerted by the Apostolic See', there was 'little doubt that even if one wished to curb this unbridled evil, he could not check the momentum of its progress'.<sup>58</sup> According to Boswell, Damian received a 'polite acknowledgement' from Pope Leo, who agreed 'somewhat coldly to interpose his apostolic authority in the matter' but declined to accede to his demand that clerics guilty of any sort of homosexual offence should be dismissed.<sup>59</sup> Doyle, Sipe and Wall have argued that Pope Leo's inaction, in response to Peter Damian's appeal, appears to portend the responses of Church leaders of our own times:

The pope praised Peter and verified the truth of his findings and recommendations. Yet he considerably softened the reformer's urging that decisive action be taken to root out offenders from the ranks of the clergy. The pope decided to exclude only those who had offended repeatedly and over a long period of time. Although Peter had paid significant attention to the impact of the offending clerics on their victims, the pope focused only on the sinfulness of the clerics and their need to repent.<sup>60</sup>

## Punishment of serious offences by clergy in the later Middle Ages

In 1140, the Italian monk Gratian, who taught canon law at the University of Bologna, published a highly influential compilation in which he attempted to harmonise all canon laws decreed until that time.<sup>61</sup> Dr Doyle told the Royal Commission that Gratian demanded that the punishment for sexual transgressions should be more severe for clerics than for laymen, and that he made specific mention of the sexual abuse of boys. Dr Doyle said that Gratian's attitude is evident because he cited the ancient Roman law opinion that *stuprum pueri*, the sexual violation of young boys, should be punished by death.<sup>62</sup>

When Christianity first became the official state religion of the Roman Empire in the early 4<sup>th</sup> century, the Emperor Constantine gave the Christian Church a number of privileges, including the 'privilege of the clergy', the right of clergy to be tried exclusively in church courts. The 18<sup>th</sup> century historian Edward Gibbon, in his work *Decline and fall of the Roman Empire*, wrote that, although Constantine recognised that church courts might act partially towards clergy, he considered that 'secret impunity would be less pernicious than public scandal'.<sup>63</sup>

However, from the 12<sup>th</sup> century onwards, when the division between church and state started to become more pronounced, a series of church councils and papal decrees required clergy who were guilty of serious offences, including 'sodomy', to be 'degraded' – that is, to be dismissed from the clerical state – and then handed over to the civil authorities to be punished in accordance with the civil law at the time. These included the Third Lateran Council (1179), the Fourth Lateran Council (1215), the Fifth Lateran Council (1514) and the Council of Trent (1545–63), along with decrees of Pope Innocent III (1209), Pope Gregory IX (1232), and Pope Pius V (1566). Depending on the circumstances, priests and monks were burned at the stake, garrotted in prison, whipped, sentenced to long periods in the galleys, imprisoned in monasteries with forced labour and fasting, or sent into exile.<sup>64</sup>

Boswell has written that canon law in turn influenced civil law to impose punishments for sodomy such as castration, exile and death.<sup>65</sup>

### 3.1.5 Council of Trent and early modern period

In response to the Protestant Reformation, the Council of Trent (1545–63) placed renewed stress on the sacraments of the eucharist and penance, and encouraged frequent confession. The Council of Trent also marked the beginning of a vigorous campaign to rid the clergy of numerous abuses and raise overall moral standards.<sup>66</sup> Both Sipe and American priest and theologian Donald Cozzens have noted that this was at a time when one of the popes who presided over the Tridentine Council, Julius III (1550–55) was the subject of a great scandal over his sexual relationship with Innocenzo, a teenage boy he had picked up on the streets and made a cardinal.<sup>67</sup>

The Council of Trent also marks the point where mandatory clerical celibacy, originally legislated in the 12<sup>th</sup> century, began to be policed in a way that it previously had not been.<sup>68</sup> Dr Doyle has written that among the many reforming canons passed by the Council of Trent were two that dealt with sexually active clergy. One urged bishops to admonish and punish priests whose lives were ‘depraved and scandalous’ and, if this failed, to deprive them of their benefices – which meant they would be totally cut off from financial support. The other provided that members of religious orders who committed publicly known crimes were also to be severely punished by their superiors, and reports on their actions were to be sent to the local bishop.<sup>69</sup> Dr Doyle has argued that:

although these canons do not explicitly refer to the sexual abuse of minors by the clergy, this was in fact the primary sexual crime that the Council participants were concerned about. The background information on the development of these canons reveals that this was a major concern of the bishops at the Council. Also, the fact that these two canons are included as primary sources for the specific canon forbidding sexual contact with minors by the clergy in both the 1917 and 1984 [sic] codes indicates that this was the intent.<sup>70</sup>

Following the Council of Trent, in 1566, Pope Pius V (1566–72) sought to publicly tackle clerical sodomy with the constitution *Romani pontifices*, which promulgated legislation against a variety of actions and practices, including the ‘crime against nature’, which Dr Doyle has suggested means the sexual violation of young boys.<sup>71</sup> Two years later, on 30 August 1568, Pius V issued the papal constitution *Horrendum illud scelus* (‘the horrendous crime’), which Dr Doyle described as ‘yet another attempt to curb clergy sexual abuse’. Priests who committed abuse were to be deprived of all offices, benefices and privileges, degraded and turned over to the civil courts for punishment.<sup>72</sup>

American historian Timothy Mitchell has written that the archives of the Spanish Inquisition, which was established in the 15<sup>th</sup> century to maintain the purity of the Catholic faith, and other Church courts, ‘contain numerous cases of clergy accused of paedophilia’.<sup>73</sup> Jordan has written that Pope Clement VII (1523–34) empowered the Inquisition in Aragon to investigate sodomy among the clergy and the laity, and by the end of the 16<sup>th</sup> century sodomy prosecutions made up at least 10 per cent of the cases dealt with by the Spanish Inquisition in Aragon, with its various regional courts conducting nearly 1,000 sodomy trials between 1570 and 1630. Jordan

has noted that clergy of various kinds appear frequently in these records, and that in some tribunals clergy consisted of almost a fifth of the sodomy cases.<sup>74</sup> American historian Mary Elizabeth Perry has referred to a written account by Jesuit Pedro de León about his ministry to people in the Royal Prison of Seville between 1578 and 1616. León noted that many clerics were imprisoned for sodomy, stating that some were released to their religious congregations for disciplining, while others were executed by burning. León recorded a conversation with a fellow Jesuit who expressed the view that the Jesuits rarely sinned with women because they could so easily find partners among their young students and novices.<sup>75</sup>

Jordan has cited the research of Spanish historian Rafael Carrasco into the Spanish Inquisition files for Valencia between 1565 and 1785, which found that in the overwhelming majority of cases the priests and religious accused of committing sexual crimes were charged with committing sexual acts with adolescents, either religious novices or servants or boys plying the street 'trade'.<sup>76</sup> Thirty per cent of the victims were aged between nine and 19 years, with an average of 15.4 years. One example in 1752 involved a friar, Pedro Pizarro, who had a 'playroom' in the grounds of his monastery to which he would invite boys on the pretext of doing paid work and ply them with food and wine before he and other monks sexually assaulted them. In other cases, novice masters were denounced for abusing their young charges, and one priest who confessed to having sexual relations with 11 young men was also accused of murdering some of the boys in a religious house so they would not inform against him.<sup>77</sup>

Catholic clergy elsewhere in Europe also faced allegations of child sexual abuse. In a study of monastic prisons and torture chambers in the early modern period, church historian Ulrich Lehner has presented the example of Johannes Figulus, a Benedictine sub-prior in the 'completely dysfunctional' abbey of Prüm in Lorraine. Figulus was ordained in 1738, and Lehner has stated that the monks knew for years that he was a paedophile. In 1769 Figulus was interrogated by senior monks from the abbey:

[He] confessed that he had seduced children – only altar boys – by bribing them with bread. The previous prior had admonished him not only once, but several times, to stop this behaviour. His abuse was not singular, but happened two to three times a week, and in 1768 alone he had molested five different boys. When in 1770 he fell back into his old behaviour and on 20 August abused two ten-year-old boys after compline, harsher measures than admonitions were necessary. Again Figulus confessed and promised to do everything to mend his ways and asked for clemency. This time, however, the recently inaugurated Archbishop Clemens Wenzeslaus decreed his perpetual detainment.<sup>78</sup>

Lehner has commented that the case demonstrates that 18<sup>th</sup> century monastic communities were not always willing to enforce strict canon law, even for crimes of paedophilia, and the frequent admonitions Figulus received only gave him the chance to molest even more children.<sup>79</sup>

## The Piarist scandal

The first Catholic religious order established specifically for the purpose of teaching school children, the Congregation of Clerics Regular of the Pious Schools, known as the Piarists, was involved in a sexual abuse scandal soon after it was founded at the beginning of the 17<sup>th</sup> century. Research by Karen Liebreich in a monastery archive in Florence has revealed that the founder of the Piarists, St Joseph Calasanz (1557–1648), became aware in 1629 that a member of the order, Father Stefano Cherubini, was abusing boys at the school in Naples where he was headmaster.<sup>80</sup> Cherubini was the son of a well-connected family of Roman lawyers, and MacCulloch has written that Calasanz failed to act, despite abundant explicit evidence, because he was concerned about protecting the reputation of his new movement:

[Calasanz] wrote to Cherubini: ‘There is no one in the world today that wishes more than I that this rumour would disappear ... because I have at heart the honour of the Order and of the individual people in it more than anyone else ... The Lord make everything disappear as I wish and pray to his divine Majesty.’ Repeatedly in Calasanz’s letter comes another theme: ‘it seems best to me, that if we are allowed to be the judges of this case, we will not permit it to come into the hands of outsiders’.<sup>81</sup>

Instead of being removed, Cherubini was promoted, eventually becoming Universal Superior of the Piarist order in 1643. This appointment caused a chorus of outrage from other members of the order across Europe which contributed to Pope Innocent X’s decision to close the order down in 1646. The order was re-established about 10 years later.<sup>82</sup>

MacCulloch has described the Piarist scandal as one example of a ‘repeated but discrete series of individual reactions to a structural problem – the emotional constraints of universal compulsory clerical celibacy on the Roman Catholic Church’.<sup>83</sup> He has argued that child sexual abuse by Catholic clergy and religious since the 17<sup>th</sup> century can be attributed to the combined effect of the Council of Trent’s enforcement of mandatory celibacy with the beginning of an increased commitment on the part of the Catholic Church to the education of the young:

First, clerical celibacy became a generally enforced Tridentine reality, as it had not been in previous centuries, despite its theoretical universalization in the twelfth century ... Second, the Counter-Reformation brought an impressive wave of social activism throughout European society on behalf of the poor and the vulnerable, not the least of which was the commitment to educate the young on a far greater scale than Christian Europe had ever before attempted.

That conjunction arguably lies behind the repeated clandestine pattern of child abuse in the Roman Church since the Counter-Reformation.<sup>84</sup>

MacCulloch has written that some clergy in this period ‘took out their frustrations by exercising power over vulnerable young people, given the opportunity in pastoral situations in which Church authorities had little recognition of the problem, and no developed procedure to deal with it’.<sup>85</sup>



### 3.1.6 Abuse during confession and the involvement of the Inquisition

Sexual abuse in the confessional became the subject of significant attention by the papacy throughout the early modern period and well into the 20<sup>th</sup> century. In 1215, the Fourth Lateran Council had mandated that all the faithful were to confess their sins to a priest at least once a year, on pain of excommunication. First confession was made ‘on reaching the age of discernment’, which was generally taken to be puberty.<sup>86</sup> According to early 20<sup>th</sup> century American historian Henry Charles Lea, solicitation in confession became a ‘perennial source of trouble to the Church’ from this time, and proved to be ‘an evil of which repression was impossible, notwithstanding penalties freely threatened’.<sup>87</sup>

In Spain, according to historian Stephen Haliczer, there was widespread reluctance to confess personal sins to a priest who, as likely as not, was known for his sexual adventures with parishioners.<sup>88</sup> Frequent scandals led the head of the Spanish Inquisition, Archbishop Fernando de Valdés of Seville, to request Pope Paul IV (1555–59) to grant the Spanish Inquisition exclusive jurisdiction over solicitation cases.<sup>89</sup> In 1561, in the bull (decree) *Cum sicut nuper*, the pope instructed the Spanish Inquisition that guilty priests were to be ‘degraded to the secular state’ and handed over ‘to a secular judge to be punished’.<sup>90</sup> Popes Pius IV (1561), Clement VIII (1592), Gregory XV (1622) and Benedict XIV (1741) all decreed that solicitation in confession must be reported by the penitent to the church authorities.<sup>91</sup>

Dr Doyle provided evidence to the Royal Commission that the records of the Spanish and Mexican inquisitions reveal a ‘shockingly high’ volume of complaints by both women and men, accusing priests of solicitation and sexual abuse in a variety of forms.<sup>92</sup> Doyle, Sipe, and Wall have written that court records relating to clergy charged with solicitation reveal that most victims were women (including young girls), although ‘there is ample evidence to show that homosexual solicitation took place with great regularity’.<sup>93</sup>

A study by Haliczer, of archival records held in Spain’s Archivo Histórico Nacional, found 223 complete sets of case notes for solicitation cases from the tribunals of Toledo, Valencia, Cordoba, Cuenca, Madrid, Mallorca, and the Canary Islands, covering the period 1530 to 1819.<sup>94</sup> Haliczer found that only 26 per cent of those accused of solicitation were members of the secular clergy (most of them parish priests and curates); most were members of religious orders. Of the religious clergy, by far the majority (96 per cent) belonged to mendicant (itinerant) orders, including the Franciscans and Dominicans. Very few were Jesuits (just 0.4 per cent).<sup>95</sup> The majority of victims were young and the vast majority female. The average age at which victims made a deposition to the Inquisition was 27 years, while 6.3 per cent of the victims were under the age of 15. On average, the first incident of solicitation had occurred six years earlier, but some victims did not report their experience of abuse for 30 years.<sup>96</sup>

In their literature review regarding child sexual abuse in the Catholic Church, Cahill and Wilkinson have commented that this is a significant figure because at that time children generally made their first confession at around the age of 12 to 14, a practice that was not changed until 1910 when Pope Pius X lowered the age for children to make their first confession to seven years.<sup>97</sup>



Haliczer has noted that the Spanish Inquisition conducted its trials in secrecy, rather than in public ecclesiastical courts, and he quotes from a letter that the Inquisitors of Palermo sent to Inquisitor-General Andrés Pacheco in 1625:

[I]f they were heard in the ordinary courts, such matters, and especially solicitation in the act of confession, would result in a horrible scandal and have a very bad effect, causing a loss of respect for confessors and for the sacrament of penance itself.<sup>98</sup>

From 1576, the Archbishop of Milan, Cardinal Charles Borromeo, a leading figure in the reforms following the Council of Trent, introduced the confessional box into churches in his archdiocese in an effort to prevent sexual contact between penitents and their confessors. Previously, face-to-face confessions were often held in the priest's house followed by a rite of absolution on the altar. In 1614, confessional boxes were mandated for use in all Catholic churches. Lea wrote that the clergy passively resisted, leading to a campaign throughout the 18<sup>th</sup> century to enforce their installation and use.<sup>99</sup> But neither the introduction of the confessional box nor two-and-a-half centuries (1561–1820) of investigation and prosecution of solicitation cases in Spain by the Inquisition succeeded in overcoming the problem of clergy solicitation in confession. Dr Doyle has said that the archives of the Spanish Inquisition reveal 3,775 cases of solicitation between 1723 and 1820, or 40 a year.<sup>100</sup> Haliczer has written that there was 'growing frustration at the highest levels of the Inquisition about its failure to check rising levels of clergy solicitation during the 18<sup>th</sup> century',<sup>101</sup> which coincided with an increasing reluctance to accept the constraints of celibacy among many members of the clergy,<sup>102</sup> while in the 19<sup>th</sup> and 20<sup>th</sup> centuries 'the physical seduction of female penitents by their confessors became a perennial theme of anticlerical literature'.<sup>103</sup>

Haliczer has also stated that, despite more rigorous education and training, the demands of celibacy 'proved too great for many priests and, with ordinary sexual and social outlets having been largely circumscribed, the confessional was left as the only place where they could make contact with women and talk with them personally and intimately'. He concluded that 'if anything, by focusing on the confessional as a venue of sexual activity, the Inquisition may have eroticised confession'. And by insisting that priests 'demand an exact and detailed accounting of sins, the Church itself had created the objective conditions for solicitation in the confessional'.<sup>104</sup>

### 3.1.7 The 19<sup>th</sup> and 20<sup>th</sup> centuries

The Spanish Inquisition was wound up in 1820. From the mid-19<sup>th</sup> century there was a gradual shift away from dismissing priests who were found guilty of serious sexual misdemeanours, even for soliciting in the confessional, and also a growing reluctance to hand over priests accused of sexual crimes to the civil authorities in some countries.<sup>105</sup> This shift coincided with the rise of the modern nation-state and growing separation of church and state. American historian Thomas Bokenkotter has stated that the 'Catholic Church's reaction to modernity was largely defensive and negative ... The result was a divorce of secular culture from the Church and the state of siege mentality that characterized modern Catholicism down to our day'.<sup>106</sup>

Dr Doyle's evidence was that:

Reliance on canonical sources for information drops off in the 19<sup>th</sup> century. There is no reason to assume that sexual abuse suddenly stopped, but there are no known records of canonical investigations or of canonical trials other than some recorded cases from the tribunals of the Inquisition in the first quarter of the 19<sup>th</sup> century.<sup>107</sup>

According to Mr Kieran Tapsell, an Australian civil lawyer who has published on canon law, a succession of documents issued by the Holy Office (the forerunner of the Congregation for the Doctrine of the Faith) in 1842, 1866 and 1890 in relation to the canonical crime of solicitation in the confessional indicate an increasing reluctance to hand over priests to the civil authorities, and also a reluctance to impose degradation or dismissal on priests guilty of serious crimes:<sup>108</sup>

- In 1842, the Holy Office, under Pope Gregory XVI, issued an instruction absolving penitents 'who live in the lands of schismatics, heretics, and Mohammedans' from their canonical obligation to denounce priests who solicited sex in the confessional.<sup>109</sup>
- On 20 February 1866 the Holy Office, under Pope Pius IX, issued a further instruction stating that restraint must be exercised in demoting priests to 'the secular branch' in such cases. The instruction imposed absolute secrecy on proceedings relating to allegations of solicitation in confession.<sup>110</sup>
- On 20 July 1890, Pope Leo XIII issued an instruction through the Holy Office imposing detailed procedures for keeping proceedings relating to solicitation secret, including requiring witnesses to swear an oath of secrecy. Procedures outlined in this instruction were designed to keep hidden not just the evidence that might be given but also the fact that the trial was being held at all. The trial was not to be held in the chancery, witnesses were to be called on different days and interviewed alone, and examinations were to take place in sacristies or some other private place. The reason given was that 'Quite often these cases can no longer be prosecuted without becoming graver, and turning into a source of damnation and scandal to the faithful'.<sup>111</sup>

This increasing reluctance to 'degrade' clergy accused of serious sexual crimes or hand them over to the civil authorities culminated in the promulgation of the 1917 Code of Canon Law. The 1917 code abrogated all previous papal and church council decrees that had required priests and religious guilty of serious crimes (including the sexual abuse of children) to be handed over to the civil authorities.<sup>112</sup> According to Mr Tapsell, this increasing reluctance is also evident in the provisions of many of the concordats that the Holy See negotiated with national governments in the 19<sup>th</sup> and 20<sup>th</sup> centuries. Among other things, these set out the conditions under which the Holy See agreed that clerics could be tried before secular courts or imprisoned. For example, in the concordats with Colombia in 1887, 1928 and 1973, it was agreed that priests were not to be tried in public or detained in common prisons and that bishops involved in criminal trials were to be tried by the Holy See.<sup>113</sup> The concordats with Latvia (1922), Poland (1925), Italy (1929), Spain (1953), and the Dominican Republic (1954) had similar provisions.<sup>114</sup>

In 1910, Pope Pius X issued the decree *Quam singulari*, which lowered the age of first confession for Catholic children to age seven. Prior to this, puberty had usually been regarded as an appropriate age. John Cornwell, in his history of the confessional, *The dark box*, argues that in doing so, the pope was ‘ignoring the wisdom of the faithful, clergy and laity, who had recognised down the centuries that confession should not be foisted upon children too early.’<sup>115</sup> Describing the introduction of obligatory confession in early childhood as ‘the greatest moral experiment perpetrated on children in the history of Catholicism’, Cornwell has stated that:

Among the many unintended consequences of that experiment was the inculcation in young children of an oppressive sense of guilt and shame, especially for their bodies, and, for a significant minority, exposure to clerical sexual predators.<sup>116</sup>

In Section 13.11.10, ‘The sacrament of reconciliation’, we discuss the operation of the sacrament of reconciliation as a potential contributing factor to child sexual abuse in the Catholic Church and inadequate institutional responses to that abuse.

## Papal concern about the behaviour of priests in the modern period

According to Cahill and Wilkinson, an examination of papal documents from the 20<sup>th</sup> century leads to the conclusion that the behaviour of priests was of concern to the popes throughout this period. Cahill and Wilkinson have stated that the popes and their curial congregations continued to place great emphasis on the character, life, discipline and formation of clergy, and their instructions are evidence of increasing Vatican concerns about chastity and celibacy.<sup>117</sup> These documents include the instruction *Crimen sollicitationis*, approved by the Holy Office under Pope Pius XI (1922–39) in 1922 and revised and reissued by the Holy Office under Pope John XXIII in 1962. *Crimen sollicitationis* is discussed in detail in Section 13.2, ‘Canon law provisions relevant to responding to child sexual abuse’.

In 1935, Pius XI published his encyclical letter *Ad Catholici sacerdotii*, which referred to the ‘deplorable and distressing’ fact of some priests ‘falling away’ through ‘personal unworthiness’.<sup>118</sup> The encyclical stressed the need for priests to have purity of heart, a sanctity of life, and reminded priests of their grave obligation to total and perfect chastity and celibacy.<sup>119</sup> The encyclical also noted the importance of careful selection and training of seminarians,<sup>120</sup> and emphasised that bishops had a particular responsibility not to ordain anyone who was unsuitable.<sup>121</sup> It concluded that if the canonical rules in relation to training and ordination of priests were carefully obeyed, ‘Thus will the Church be saved much grief, and the faithful much scandal’.<sup>122</sup>

From the outset of his pontificate, Pope Pius XII (1939–58) also showed concern for clerical chastity and celibacy, focusing on both in an early address to seminarians, *Sollemnis conventus*, on 24 June 1939. He followed up in 1950 with his apostolic exhortation *Menti nostrae*, addressed to clergy everywhere. In this document he urged priests to preserve chastity

and celibacy and also gave precise instructions for the screening and formation of seminary candidates. He also emphasised the importance of careful guidance and ongoing training for newly ordained priests. Rather than immediately sending them into full pastoral activity or to places far from the diocesan centre or larger centres, where they could suffer harm, he thought they should live in community with a pastor and under the guidance of older persons to adjust to the sacred ministry and scrupulously safeguard priestly chastity.<sup>123</sup>

### 3.1.8 Early history of child sexual abuse in the Catholic Church in Australia

Child sexual abuse in the Catholic Church in Australia is not a recent phenomenon. Documentary references to the sexual abuse of children in Catholic institutions can be traced back to the middle of the 19<sup>th</sup> century.

Archbishop John Bede Polding was the first bishop of the Catholic Church in Australia, and a Benedictine monk. He arrived in Australia in 1835.<sup>124</sup> Letters written by Polding indicate that in 1849 he was responding to allegations that a Benedictine deacon, John Bernard Caldwell, was sexually abusing boys.<sup>125</sup> Archbishop Polding wrote to the President-General of the English Benedictines in May 1849:

So Bernard, I hoped, would overcome his strange propensity by an entire change of persons, and place. I fear it still remains unovercome. A miserable foolish lack-a-daisical fondness. Goosey he is and goosey he will be. Excuse the word – but it is very apt in characterising his softness in this manner ... Both Edmund and Bernard have been raised to the rank of Deacons.<sup>126</sup>

Archbishop Polding's use of the term 'goosey' to describe Caldwell is explained in further correspondence. In a second letter to the President-General, in May 1849, Archbishop Polding wrote:

It is not for me to advise D.F.P. [Dear Father President] but really if a flaw can be discovered in Caldwell's Profession it would be well to let him go his own way. What children can be safe under the same Roof with him?<sup>127</sup>

A month later, Archbishop Polding wrote to his Benedictine cousin in the United Kingdom:

Poor Caldwell, I fear, will never be fit for the Mission nor indeed is he a desirable person to have with Boys. I was not aware of his Goosiness until the allegations made by the two rendered an examination into the state of our community in some sort necessary. To a great extent he is like Spencer [emphasis in the original].<sup>128</sup>

Caldwell was sent back to England, where he was ordained a priest in June 1850.<sup>129</sup>

Ten years later, in a May 1859 letter to the Congregation for the Propagation of the Faith in Rome, Archbishop Polding listed 33 priests who had been removed from the mission in Australia for various reasons. These included an Italian named Dom Garroni who he described as 'Habitually unchaste; very dangerous among young men. It was too late when he was discovered to have had criminal habits even in Europe'.<sup>130</sup>

In 1870, the Sisters of St Joseph of the Sacred Heart (founded by Mother Mary MacKillop) reported a parish priest for sexually abusing children. Franciscan priest Father Patrick Keating was stationed at Kapunda, north of Adelaide, where the Sisters of St Joseph had operated Catholic schools for disadvantaged children in the local parishes. Records show that 'Fr Keating OSF was accused of sexual offences in the Confessional, committed frequently and with many.'<sup>131</sup> C de Leiuén has written in the article 'Remembering the significant: St John's Kapunda, South Australia' that the Josephites:

had reported Fr. Patrick Keating at St Rose's for serious misdemeanours (alleged sexual abuse or inappropriate behaviour around school children) to Fr Julian Tenison Woods. Woods raised a complaint with the vicar-general of the Adelaide diocese, John Smyth who found Keating guilty of the offences and ordered him to return to Ireland. Fr Charles Horan, also in Kapunda, a friend and protector of Keating did not hide his desire to seek revenge against Woods and the Josephites.<sup>132</sup>

Shortly after, in 1871, the Bishop of Adelaide, Bishop Laurence Shiel, excommunicated Mother Mary MacKillop and dispersed the Josephite Sisters.<sup>133</sup> An 1872 apostolic commission of investigation into the developments within the Diocese of Adelaide was ordered by the Holy See and led by the Bishop of Hobart, Bishop Daniel Murphy, and the Bishop of Bathurst, Bishop Matthew Quinn.<sup>134</sup> Archived evidence of Father Joseph Tappeiner SJ, a Jesuit priest who provided testimony to the apostolic investigation on 11 June 1872, revealed details of the Father Keating scandal, including the response of his superiors to the allegations:

Having examined the matter, Fr J Smyth VG judged Keating guilty of the offence and ordered him to return to Europe. The matter had been discovered by the Sisters of St Joseph and brought to Fr Woods and, through him, to the Vicar General. Fr Horan was then the companion and Superior of Fr Keating and they were of the same Order of St Francis; he himself was judged by the Vicar General to have been not altogether free from fault, even if only by turning a blind eye. The Reverend VG declared that he would send them both home [i.e. back to Europe], unless he ascertained a contrary intention on the part of the Bishop.

This was the beginning of the hatred of Fr Horan for Fr Woods and the Sisters.<sup>135</sup>

In July 1872, Bishop Murphy and Bishop Quinn, in the investigation final report, referred to the 'intemperance and immorality' of Father Keating and his dismissal from the diocese for those offences.<sup>136</sup> Mother Mary MacKillop and the Josephites eventually returned to their positions.

## 3.2 United States

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Having considered the early history of child sexual abuse in the Catholic Church, we now provide an overview of the emergence of child sexual abuse in the Catholic Church as an issue of public attention and concern in various countries and regions of the world in the second half of the 20<sup>th</sup> century, commencing with the United States.

In the United States, child sexual abuse by Catholic clergy and religious first became a prominent public issue in 1984, with the criminal trial of Father Gilbert Gauthé of the Diocese of Lafayette, Louisiana.<sup>137</sup>

However, Mark Chopko, the then general counsel for the United States Conference of Catholic Bishops, noted in 1992 that:

Sexual abuse of children at the hands of members of the clergy is not a new phenomenon. From the nineteenth century, cases occasionally found their way into the law reports concerning sexual misconduct by clergy. Anecdotally, we know that both civil and criminal cases were brought well before the explosion of litigation and claims against Catholic organizations in the mid-1980s.<sup>138</sup>

### 3.2.1 Father Gerald Fitzgerald and the Servants of the Paraclete

Well before the Gauthé scandal, two treatment facilities for Catholic clergy and religious had opened in the United States. In 1947, Father Gerald Fitzgerald (1894–1969) founded a new religious order, the Servants of the Paraclete, for the specific purpose of treating clergy with problems such as alcoholism, depression, mental ill-health and sexual misconduct.<sup>139</sup> The Servants of the Paraclete opened a treatment centre in Jemez Springs, New Mexico, and eventually ran 23 centres around the world, including in the Philippines and Vietnam.<sup>140</sup> Cahill and Wilkinson have noted that Father Fitzgerald's therapeutic approach 'was spiritual healing based on intense prayer', and that in 1948, he resolved not to receive priests who had sexually abused minors, but was prevailed upon to change his mind by some bishops.<sup>141</sup>

Not long after, Fitzgerald began advising the American bishops about the issue of clergy child sexual abuse. In a letter dated 12 September 1952, Father Fitzgerald wrote to the Bishop of Reno, Bishop Robert J Dwyer, indicating that he favoured laicisation of priests who sexually abused minors, stating that:

I myself would be inclined to favor laicization for any priest, upon objective evidence, for tampering with the virtue of the young ... Moreover, in practice, real conversions will be found to be extremely rare. Many bishops believe men are never free from the approximate danger once they have begun. Hence, leaving them on duty or wandering from diocese to diocese is contributing to scandal or at least to the approximate danger of scandal.<sup>142</sup>

In 1963 he gained a private audience with Pope Paul VI and warned the pope about the dangers of reassigning clergy who had sexually abused children, and the need to laicise and remove them from ministry.<sup>143</sup>

A second treatment centre in the United States, the Saint Luke Institute in Suitland, Maryland, was opened in 1977.

### 3.2.2 Father Gilbert Gauthé

In October 1984, Father Gilbert Gauthé of the Diocese of Lafayette was charged with the sexual abuse of 11 altar boys. He pleaded guilty in 1985 and was sentenced to 20 years jail. Ordained in 1972, Father Gauthé was the diocesan Boy Scout chaplain and was suspected of molesting approximately 100 boys in four parishes before he was suspended from active ministry in 1983 and sent for treatment at a Catholic-run facility.<sup>144</sup> The Gauthé case received widespread publicity in and outside of the United States. Irish psychologist and researcher Dr Marie Keenan has written that ‘the floodgates opened in the English-speaking Catholic world, and in the avalanche that followed the publicity surrounding the Gauthé affair, child sexual abuse by clergy came onto the public agenda’.<sup>145</sup>

### 3.2.3 Mouton, Doyle and Peterson report

The Gauthé case triggered a landmark confidential memorandum presented to the United States bishops in 1985, entitled *The problem of sexual molestation by Roman Catholic clergy: Meeting the problem in a comprehensive and responsible manner* (Mouton, Doyle and Peterson report), which was authored by Gauthé’s defence lawyer, F Ray Mouton, and two priests, Dr Doyle, then attached to the office of the apostolic nuncio in Washington DC, and Father Michael Peterson, founder of the Saint Luke Institute.<sup>146</sup>

The report called for an urgent response to what the authors described as ‘the single most serious and far reaching problem facing our Church today’.<sup>147</sup> Mouton, Doyle and Peterson concluded that: ‘There is simply too much at stake for the Church ... its leaders, its clergy and its faithful ... not to attempt to provide the best possible response to the overall crisis’.<sup>148</sup> They recommended a response to allegations of child sexual abuse against clergy and religious both at the level of individual church authorities and in the wider United States Catholic Church.<sup>149</sup> The report projected that the financial cost to the Catholic Church in the United States could run to billions of dollars.<sup>150</sup> Although the report was distributed at the bishops’ national meeting in June 1985, its recommendations were never formally presented to the United States Conference of Catholic Bishops (USCCB).<sup>151</sup> Dr Keenan has written that, rather than agreeing to adopt a national approach, the bishops ‘limited themselves to a commitment to combat child abuse on an individual basis wherever it arose’.<sup>152</sup>



The Gauthé case and the Mouton, Doyle and Peterson report together placed child sexual abuse on the agenda of the USCCB. In 1988 the USCCB drafted a set of guidelines for responding to allegations of abuse, and all dioceses were urged to follow these until they had devised their own.<sup>153</sup> The guidelines, which later became known as the 'Five Principles', were: (1) Respond promptly to all allegations of abuse where there is reasonable belief that abuse has occurred; (2) If such an allegation is supported by sufficient evidence, relieve the alleged offender promptly of his ministerial duties and refer him to appropriate medical evaluation and intervention; (3) Comply with the obligations of civil law as regards reporting the incident and cooperating with the investigation; (4) Reach out to the victims and their families and communicate our sincere commitment to their spiritual and emotional well-being; and (5) Within the confines of respect for privacy of the individuals involved, deal as openly as possible with members of the community.<sup>154</sup>

### 3.2.4 Bernardin report, Archdiocese of Chicago

In 1991 the Archbishop of Chicago, Cardinal Joseph Bernardin, established a commission of inquiry after 34 priests of the Archdiocese of Chicago were accused of sexually molesting children.<sup>155</sup>

The Cardinal's Commission on Clerical Sexual Misconduct with Minors (Chicago Commission) was formed in response to allegations against Father Robert E Mayer in particular. Mayer had been the subject of allegations of sexual misconduct, had twice undergone psychological assessment, and each time had afterwards been returned to ministry, in 1987 and 1991.<sup>156</sup> In 1991, while under a strict 'mandate' by Cardinal Bernardin that he was not to be alone with young people, Father Mayer was accused of propositioning a young male for sex. He was immediately removed from ministry and sent to residential treatment. His parish was advised that he had left 'for personal reasons'.<sup>157</sup> Later that year, the reality of Mayer's departure and his past history of sexual allegations came to light and the 'Media coverage of the story was intensive'.<sup>158</sup>

The resulting *Report to Joseph Cardinal Bernardin* (Bernardin Report), published in 1992, described how Cardinal Bernardin had established a process almost 10 years earlier to deal with allegations of child sexual abuse in the archdiocese as they arose.<sup>159</sup> The Chicago Commission undertook a review of 57 clergy case files and found that an overwhelming number of cases involved the sexual abuse of teenage boys.<sup>160</sup> A number of the accused had already retired, died or been removed from parish ministry, or allegations of sexual misconduct had not been substantiated.<sup>161</sup> The Chicago Commission recommended the immediate removal of five priests from parish ministry due to the seriousness of the allegations and the present danger they posed to children.<sup>162</sup> American canon lawyer, Nicholas Cafardi, Professor of Law at Duquesne University, Pittsburgh, has noted that this recommendation of the Chicago Commission marked the first occasion when the advice of a primarily lay commission led to the removal of priests by a bishop.<sup>163</sup> The Chicago Commission also recommended that Cardinal Bernardin appoint a permanent review board of nine people, with at least six lay members (three professionals, such as a psychiatrist or social worker, and three representing the 'Church-at-large', such as



survivors of abuse) to respond to all allegations of child sexual abuse by clergy in the diocese.<sup>164</sup> Significantly, the Chicago Commission recommended that ‘any priest who engages in sexual misconduct with a minor not be returned to parish ministry or any kind of ministry which would give him access to minors. We have identified no conditions in which an exception can be made for this’.<sup>165</sup> The report and recommendations of the Chicago Commission were sent to all diocesan bishops within the United States.<sup>166</sup>

In 1992 the USCCB adopted, without dissent, the previously outlined ‘Five Principles’ for responding to allegations of sexual abuse by clergy.<sup>167</sup>

In June 1993 the USCCB established the Ad Hoc Committee on Sexual Abuse, headed by Bishop John Kinney, which published a report in 1994 entitled *Restoring trust: A pastoral response to sexual abuse (Restoring Trust)*. It contained the sexual abuse prevention policies of 157 dioceses and a list of treatment centres in the United States. The report contained 28 guidelines elaborating on the ‘Five Principles’, which did not succeed in being adopted by the USCCB.<sup>168</sup> The committee published a further two volumes of *Restoring trust* in 1995 and 1996.<sup>169</sup>

### 3.2.5 Archdiocese of Boston

In January 2002 the Boston Globe newspaper published a series of investigative articles about five priests convicted of child sexual abuse within the Archdiocese of Boston, including Father John Geoghan.<sup>170</sup> The public exposure, both nationally and internationally, led to action by the Catholic Church in the United States on a national level and by the Vatican.<sup>171</sup>

Also in January 2002, the Attorney General of Massachusetts announced a public inquiry into ‘the massive and prolonged mistreatment of children by priests assigned to the Roman Catholic Archdiocese of Boston’.<sup>172</sup> *The sexual abuse of children in the Roman Catholic Archdiocese of Boston: A report by the Attorney General* (Massachusetts report), published in 2003, documented the response of the archdiocese, including senior officials such as The Archbishop of Boston, Cardinal Bernard Law, to allegations of child sexual abuse by priests. The report found that, as early as 1979 and at different times in the 1980s and 1990s, senior officials of the archdiocese had received allegations of child sexual abuse against Geoghan.<sup>173</sup> As a result of such allegations, Father Geoghan was ‘reassigned several times’ by the Archdiocese,<sup>174</sup> until he was removed from his parish in 1993 and transferred to the Office for Senior Priests in the chancery.<sup>175</sup> Father Geoghan was laicised in 1998,<sup>176</sup> and in February 2002 he was sentenced to nine to 10 years in prison for molesting a 10-year-old boy.<sup>177</sup>

Overall, the Massachusetts report found that the leadership of the archdiocese had failed in their response to offending priests. The report estimated that there were more than a thousand victims of clergy abuse within the archdiocese, 789 of whom had made complaints to the archdiocese about abuse going back to the 1940s. The sexual abuse of children by clergy in Boston had occurred over six decades and under the watch of three successive archbishops.<sup>178</sup>

In 1993, the Archdiocese of Boston had developed a written sexual misconduct policy, but had not followed it. The Attorney General found evidence that ‘widespread sexual abuse of children was due to an institutional acceptance of abuse and a massive and pervasive failure of leadership’.<sup>179</sup> The report also found that Cardinal Law had firsthand knowledge of clergy sexual abuse of children in his archdiocese for many years,<sup>180</sup> and that he and senior archdiocesan officials, including five auxiliary bishops, aware of the magnitude of the problem, had ‘decided that they should conceal – from the parishes, the laity, law enforcement and the public’, their knowledge of the long history of complaints.<sup>181</sup> Cardinal Law resigned as Archbishop of Boston in December 2002.<sup>182</sup> Two years later he was appointed as Archpriest of the Basilica of Santa Maria Maggiore in Rome, a position he held until his retirement in 2011.

### 3.2.6 The Dallas Charter

The Boston scandal prompted a response from both the Vatican and the USCCB to the revelations of child sexual abuse by clergy in the United States.

In April 2002, Pope John Paul II summoned the United States cardinals and the leadership of the USCCB to the Vatican. Following the meeting, Pope John Paul stated publicly that ‘There is no place in the priesthood or the religious life for those who harm the young’.<sup>183</sup>

In Dallas, Texas, in June 2002, the United States bishops met and adopted the Charter for the Protection of Children and Young People (Dallas Charter) and a set of national standards (The Essential Norms) for responding to child sexual abuse allegations. The Essential Norms received a *recognitio* (approval) from the Vatican in December 2002, meaning they became ‘particular’ canon law for all dioceses and eparchies in the United States as well the religious orders. The Essential Norms were revised in 2005 and received a further *recognitio* in 2006.<sup>184</sup>

The Dallas meeting also approved the creation of the National Review Board for the Protection of Children and Young People (the National Review Board), a board of lay members from various professions.

### 3.2.7 The National Review Board and the John Jay College studies

The National Review Board published its own report, *A report on the crisis in the Catholic Church in the United States*, in 2004. The report noted that the Vatican:

did not recognise the scope or gravity of the problem facing the Church in the United States despite numerous warning signs; and it rebuffed earlier attempts to reform procedures for removing predator priests.<sup>185</sup>

It discussed deficiencies in canon law in relation to the dismissal of priests accused of child sexual abuse,<sup>186</sup> and the Holy See's refusal of a request by the United States bishops for a more expedited process, 'largely out of concern that such a process would prejudice the rights of the accused priests'.<sup>187</sup> In relation to celibacy, the report concluded that although the discipline of celibacy was 'not itself a cause of the current crisis, a failure properly to explain celibacy and prepare seminarians for a celibate life has contributed to it'.<sup>188</sup> The report also examined clericalism,<sup>189</sup> secrecy and avoidance of scandal,<sup>190</sup> and concluded with a number of recommendations. These included that there should be enhanced screening and formation of seminarians and enhanced oversight of priests in ministry, that the welfare of victims must be the primary duty of the Church, that bishops and Church leaders 'must recognize both the criminal and sinful nature of the sexual abuse of minors by members of the clergy', and that the process for selecting bishops should include meaningful lay consultation.<sup>191</sup>

In February 2004 the John Jay College of Criminal Justice published *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002*. This research report, commissioned by the National Review Board, presented data on the extent of child sexual abuse by clergy in the United States.<sup>192</sup> It revealed that between 1950 and 2002 there were 9,188 alleged incidents of child sexual abuse by clergy in the United States, peaking in the 1960s, 1970s and 1980s.<sup>193</sup> The research also found that between 1950 and 2002 approximately 4.3 per cent of diocesan priests had allegations of child sexual abuse against them.<sup>194</sup> This amounted to 4,392 priests within the United States and related to the sexual abuse of 10,667 children.<sup>195</sup>

In 2011 the John Jay College published its second report, *The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950–2010*. This more analytical report concluded that the crisis of child sexual abuse by Catholic clergy in the United States was 'a historical problem' and proposed that societal changes in the 1960s and 1970s, including the sexual revolution and increased 'deviant' behaviour in the wider society, offered a possible explanation for what it termed 'the increase in incidence' of child sexual abuse by clergy in that period. Internal factors, such as an exclusively male priesthood and mandatory celibacy, were rejected as causal factors.<sup>196</sup> The report also studied organisational, psychological and situational factors that contributed to offending by priests.

Since the 1980s, the Catholic Church in the United States has paid billions of dollars in compensation to victims of child sexual abuse as a result of civil claims and as of 2017, 15 dioceses have filed for bankruptcy.<sup>197</sup> In 2004 the first John Jay College report recorded that United States dioceses and religious orders had collectively paid over \$US475 million in compensation.<sup>198</sup> However, many dioceses and religious orders failed to provide compensation figures to the John Jay College survey at the time. This figure also did not include the \$US85 million paid by the Archdiocese of Boston to 552 victims in 2003. In 2007, Cardinal Roger Mahoney, the Archbishop of Los Angeles, agreed to pay \$US660 million to over 500 victims in that archdiocese.<sup>199</sup> The most significant settlement by a religious order in the United States was by the Oregon Province of the Society of Jesus in 2011, which settled for \$US166.1 million with mostly Native American and Alaska Native victims of child sexual and physical abuse.<sup>200</sup>

## 3.3 Canada

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### 3.3.1 Mount Cashel Orphanage, Archdiocese of St John's, Newfoundland

In early 1989, allegations of sexual abuse at Mount Cashel Orphanage were reported in the media. Mount Cashel Orphanage, a residential home for boys run by the Congregation of Christian Brothers within the Archdiocese of St John's, Newfoundland, had previously been the subject of allegations of physical and sexual abuse of boys by Christian Brothers in 1974 and 1975, which had led to a police investigation and admissions of sexual abuse by two brothers.<sup>201</sup> Following a meeting between senior Christian Brothers, the chief of police and the Deputy Minister of Justice, the investigation was dropped and no charges were laid.<sup>202</sup> The two accused brothers were sent to treatment centres and later returned to teaching.<sup>203</sup>

The 1989 media attention resulted in the establishment of the Royal Commission of Inquiry into the Response of the Newfoundland Criminal Justice Systems to Complaints (Royal Commission of Inquiry). The Royal Commission of Inquiry examined the response of the justice system and social services to the 1974 allegations against the Christian Brothers. Its report was published in 1991. A new police investigation into physical and sexual abuse at Mount Cashel led to the conviction of nine Christian Brothers, including the two brothers who had admitted to the allegations in 1974.<sup>204</sup> The Mount Cashel Orphanage was closed by the Catholic Church in 1990.

### 3.3.2 The Winter report, Archdiocese of St John's, Newfoundland

In 1988, Father James Hickey of the Archdiocese of St John's, Newfoundland, at a highly publicised trial, pleaded guilty to sexual offences against boys committed over 17 years.<sup>205</sup> From 1976, the leadership of the Archdiocese of St John's had heard rumours of inappropriate behaviour by Father Hickey and reports of child sexual abuse from victims, other members of the Catholic Church and police.<sup>206</sup> Father Hickey had remained in active ministry until he was arrested and charges were laid in January 1988.<sup>207</sup> Later that year he was convicted of child sexual assault and gross indecency and removed from ministry.<sup>208</sup> The case received widespread publicity, and the conviction of other priests serving in the Archdiocese followed.<sup>209</sup>

In May 1989, Archbishop Alphonsus Penney of the Archdiocese of St John's, Newfoundland, established a special commission of inquiry (the Winter Commission) headed by Gordon Winter, a former Lieutenant Governor of the Newfoundland and Labrador province. This resulted in *The report of the Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy* (Winter report) in 1990. Together with the 1991 Royal Commission of Inquiry report, the Winter report was instrumental in the resignation of Archbishop Penney in 1991.<sup>210</sup> The Winter Commission examined the cases of seven accused priests of the archdiocese, including that of Father Hickey, and found that child sexual abuse by clergy did not go 'undetected or unreported' in the Archdiocese of St John's, Newfoundland.<sup>211</sup> The Winter Commission concluded that:

the Archdiocese was aware of allegations of child sexual abuse by members of the clergy. Indeed, allegations of child sexual abuse were reported to officials of the Archdiocese in 1975. Despite this awareness, Archdiocesan authorities seem to have followed a minimal response policy to what was, in fact, a continuing series of informal and formal complaints, approaches from police, from other professionals, from parishioners and from priests themselves.<sup>212</sup>

The Winter Commission found that 'no single cause can account for the sexual abuses which are the subject of this Commission's enquiry'.<sup>213</sup> It pointed to clericalism and the patriarchal nature of the Catholic Church, whereby 'the father ( ... in the Church, a symbolic father) rules by virtue of position alone, and not by virtue of capacity or service'.<sup>214</sup> The report concluded that, for an institution that wielded 'extensive power', the Catholic Church was 'crippled by serious weaknesses in personnel, support mechanisms, administrative structures and management' and that 'weak organizational structures and poor government within the Archdiocese' had allowed the abuse to continue.<sup>215</sup> The Winter Commission considered the issues of sexuality and compulsory celibacy and recommended a national program of research to contribute to the Catholic Church's theology on sexuality with reference to the human and medical sciences and contemporary theology, philosophy and biblical studies.<sup>216</sup> The Winter Commission recommended that the bishops of Canada 'discuss questions relating to the "problematic link" between celibacy and the ministerial priesthood'.<sup>217</sup> The Winter Commission also made recommendations on victim support and compensation,<sup>218</sup> education and awareness training on the prevention of child sexual abuse,<sup>219</sup> the policies and structures of the Catholic Church for responding to complaints,<sup>220</sup> responses to the accused (including that convicted priests should never be given pastoral responsibility for children)<sup>221</sup> and formation and seminary programs for priests.<sup>222</sup> The Winter Commission called for an urgent study of the Archdiocese's organisation, management and communications,<sup>223</sup> and programs for lay leadership and lay ministry in parishes.<sup>224</sup> It also identified future areas of research for the Catholic Church.<sup>225</sup>

### 3.3.3 St Joseph's and St John's training schools, Ontario

Allegations of child sexual abuse at St Joseph's and St John's training schools, in Ontario, surfaced in 1990. These institutions were operated by the Institute of Brothers of the Christian Schools or De La Salle Brothers (note that this religious congregation is not to be confused with the Congregation of Christian Brothers or Irish Christian Brothers) under the supervision of the government of Ontario.<sup>226</sup> In 1992, the survivors' advocacy group Helpline, in agreement with St John's and St Joseph's training schools, commissioned a survey to identify the number of men who had been abused in the schools as children, the severity of abuse, and its impact.<sup>227</sup> Of the 152 men in the survey, 97 per cent said they had been physically assaulted, 66 per cent said they had been sexually assaulted, and 49 per cent said they had been severely sexually assaulted at St John's or St Joseph's training schools.<sup>228</sup>

Criminologist Kathleen Daly has written that there was an earlier investigation in 1958 by Ontario authorities into complaints of sexual offences against children at St Joseph's Training School, when several boys complained that one of the brothers was coercing boys into committing sexual acts. However, the departmental investigating official had found insufficient evidence to support the complaints.<sup>229</sup> A second investigation into the schools, in 1960, again resulted in the investigating authority finding insufficient evidence to support complaints of sexual abuse of boys at St Joseph's Training School.<sup>230</sup>

In the early 1990s, the Ontario provincial police began extensive investigations, and eventually charges were laid against 28 De La Salle Brothers.<sup>231</sup> The charges ranged from assault to indecent assault and sodomy.<sup>232</sup> The alleged abuse had occurred mainly between 1930 and 1974.<sup>233</sup> Daly has noted that in 1992 it emerged that one of the De La Salle brothers, Sylvio Valade, had admitted to a Ministry of Corrections officer in 1960 that he had sexually assaulted a boy. Charges were not laid at the time, although he was removed from the order. He pleaded guilty to indecent assault in 1992.<sup>234</sup> In 2004, a judge approved a \$1 million class action settlement for a group of men who had been physically and sexually abused as children at St Joseph's Training School by De La Salle Brothers between the 1950s and the 1970s.<sup>235</sup> Two hundred and thirty of the school's former students had previously been awarded a total of \$7.5 million (Canadian dollars) in the early 1990s from the province, the Archdiocese of Ottawa, and the De La Salle Brothers.<sup>236</sup>

### 3.3.4 *From pain to hope*: Canadian Conference of Catholic Bishops report

In October 1989 a permanent committee of the Canadian Conference of Catholic Bishops (CCCCB) was formed, known as the Ad Hoc Committee on Child Sexual Abuse. Its mandate, among other things, was to create an enhanced set of guidelines for bishops dealing with allegations of child sexual abuse, expanding on the previous 1987 guidelines.<sup>237</sup> The 1987 guidelines were created by the CCCB, based on the recommendations of the Mouton, Doyle and Peterson report (discussed above in Section 3.2.3) which had been released in the United States two years earlier.<sup>238</sup> On 1 June 1992 the committee released its report, *From pain to hope*, which recognised the need for a pastoral response to victims of child sexual abuse and their families.<sup>239</sup> The report suggested amendments to processes for the selection and formation of priests and a move to a more ‘communal’ Catholic Church, as envisaged by the Second Vatican Council in 1962. The Ad Hoc Committee on Child Sexual Abuse made 50 recommendations, which were adopted by the CCCB as a whole.<sup>240</sup> In March 1992 the committee released a publication titled *Breach of trust, breach of faith: Child sexual abuse in the Church and society: Materials for discussion groups*, aimed at raising awareness of and promoting community education on child sexual abuse.<sup>241</sup>

### 3.3.5 Truth and Reconciliation Commission of Canada reports

In 2009 the Truth and Reconciliation Commission of Canada began an examination of the extent of abuse of Canadian Aboriginal children within residential schools. In 2012 it published an interim report, *Canada, Aboriginal peoples, and residential schools: They came for the children*, and in 2015 it published a separate history of Canada’s residential school system and a final report, *Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada*.<sup>242</sup>

The assertion and recognition of Aboriginal rights in Canada, from the 1960s onwards, contributed to the individual and collective push by Aboriginal former students who had been abused in residential schools for prosecutions and compensation in the early 1990s.<sup>243</sup> Former students filed lawsuits against the federal government, the churches and related organisations.<sup>244</sup> By 2005, it was estimated that the number of lawsuits had surpassed 18,000.<sup>245</sup> This led to the Indian Residential Schools Settlement Agreement (IRSSA) in 2006, signed by the Government of Canada, First Nations leaders, and leaders of the Catholic, Anglican, Presbyterian and United Churches.<sup>246</sup> The IRSSA has five main components: a common experience payment; an independent assessment process; support for the Aboriginal Health Foundation; support for residential school commemoration; and the establishment of the Truth and Reconciliation Commission of Canada.<sup>247</sup> The commission was ‘mandated to tell Canadians about the history of residential schools and the impact those schools had on Aboriginal peoples, and to guide a process of reconciliation’.<sup>248</sup>



The Government of Canada estimated that over 150,000 First Nation, Métis and Inuit students passed through its residential schooling system from the 1860s onwards.<sup>249</sup> As of January 2015, the Independent Assessment Process (IAP) had received 37,951 claims of physical and sexual abuse from former students of residential schools.<sup>250</sup>

With regard to Catholic Church run missions, the Truth and Reconciliation Commission of Canada's review of the records found that incidents of child sexual abuse occurred as early as the 1860s.<sup>251</sup> Overall, for the period covering 1867 to 1939, the commission found that, although it was not possible to accurately measure the extent to which children were sexually abused in residential schools during this period:

It is clear, however, that such abuse did take place. The evidence indicates that when they were alerted to the existence of such abuse, church and government officials rarely acted in an appropriate manner. Investigations were limited, complaints by anyone other than school officials were ignored, and people who had been identified as potential risks were not removed from the schools. Knowledge of the extent of abuse is limited, in part, because the officials in charge of the schools did not want to hear about it, talk about it, or do anything about it.<sup>252</sup>

As of September 2013, for residential schools in operation in Canada between 1940 and 1980, Catholic Church-run schools accounted for 68 per cent (18,903 claims) of the total admitted IAP claims of physical and sexual abuse, (an 'admitted claim' is an application made by an eligible person that lists an allegation eligible for compensation under the IRSSA).<sup>253</sup> The Truth and Reconciliation Commission of Canada found that:

The federal government and the churches failed in their responsibility to children. That failure was massive in size and scandalous in nature. The colonization and marginalization of Aboriginal peoples created a situation in which children were vulnerable to abuse, and civil authorities were distant, hostile, and skeptical of Aboriginal reports of abuse. As a result, there were very few prosecutions for abuse while the schools were in operation. Poor pay, poor screening, limited supervision, the reassignment of perpetrators, and the 'normalization' of abusive behaviour all increased the vulnerability of students to adult and student predators. It is also clear that abuse was often 'hushed up': people were dismissed rather than prosecuted, parents were not informed, and children were not provided with supports or counselling.<sup>254</sup>

A number of the Catholic religious congregations that were involved in Canadian residential schools have offered apologies or statements of regret to former students.<sup>255</sup>



On 29 April 2009, five Canadian Aboriginal leaders and five leaders of the Catholic Church in Canada had a private audience with Pope Benedict XVI in Rome, after which the Pope released a statement expressing his ‘sorrow at the anguish caused by the deplorable conduct of some members of the Church’ and offering his ‘sympathy and prayerful solidarity’.<sup>256</sup> In its 2015 report, the Truth and Reconciliation Commission of Canada noted that a statement of regret ‘is a far cry from a full and proper apology that takes responsibility for the harms that occurred’.<sup>257</sup> It found that:

[i]n Canada, for more than a century, thousands of First Nations, Inuit, and Métis children were subjected to spiritual, emotional, physical, and sexual abuse in Catholic-run residential schools. Other than a small audience with Pope Benedict XVI in 2009, the Vatican has remained silent on the Catholic Church’s involvement in the Canadian residential school system.<sup>258</sup>

The commission called on the Pope to issue an apology to survivors, their families and the community for the Catholic Church’s role in the abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools.<sup>259</sup>

## 3.4 The Republic of Ireland and Northern Ireland

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The Catholic Church in Ireland is not affected by the political boundaries between the Republic of Ireland and Northern Ireland and has dioceses in both the south and the north. For this reason, we consider the Republic of Ireland and Northern Ireland together.

The 1994 conviction of Father Brendan Smyth was a catalyst for the development of national guidelines for responding to child sexual abuse within the Catholic Church in Ireland.<sup>260</sup> Four subsequent inquiries established by the Government of the Republic of Ireland revealed that incidents of child sexual abuse by clergy and religious had been occurring from much earlier.<sup>261</sup>

### 3.4.1 Father Brendan Smyth

In 1994 Father Brendan Smyth, a member of the Order of Canons Regular of Prémontré (or the Norbertine order), pleaded guilty to child sexual abuse offences in Northern Ireland. He was sentenced to 12 years in jail. By the time of his death in prison in 1997, Father Smyth had been convicted of the indecent assault of 41 children in both the Republic of Ireland and Northern Ireland. The offences were committed between 1964 and 1993. The Historical Institutional Abuse Inquiry of Northern Ireland (Northern Ireland Inquiry), established in 2012, found that the Norbertine order had approved Father Smyth’s ordination despite a clear warning from the Abbot General of the Norbertines that he should not be ordained.<sup>262</sup> In 1975, Father Smyth was the subject of a canonical investigation after allegations of sexual abuse were made against

him.<sup>263</sup> The Northern Ireland Inquiry found that it was open to the bishop to institute canonical proceedings to have Father Smyth laicised, but that he had failed to do so.<sup>264</sup> The Norbertines had allowed repeated efforts to be made to ‘cure’ Father Smyth by sending him to various medical treatment centres, ‘even though it was clear from continuing complaints that, despite earlier treatments, he was continuing to abuse children’.<sup>265</sup>

The case of Father Smyth had significant consequences for the Irish Government. In 1994, both the leader of the Irish Parliament and the Attorney-General resigned over the failure to extradite Father Smyth to Northern Ireland to face criminal charges of child sexual abuse. The case ultimately contributed to the fall of the Reynolds coalition government in the Republic of Ireland in the same year.<sup>266</sup>

### 3.4.2 Response of the Catholic Church in Ireland

From the early 1990s, the Catholic Church in Ireland responded to the increasing number of allegations of child sexual abuse against clergy and religious and complaints of mishandling by senior members of the Catholic Church.

In 1993 the Irish Conference of Catholic Bishops (ICCB) formed the Irish Catholic Bishops Advisory Committee on Child Sexual Abuse by Priests and Religious, which convened for the first time in April 1994.<sup>267</sup> This committee produced the document *Child sexual abuse: Framework for a Church response* (Framework document) in 1996,<sup>268</sup> which called for mandatory reporting to civil authorities.<sup>269</sup> It was sent to the Vatican requesting that it be given official approval as canon law for Ireland. This request was declined.<sup>270</sup> According to Monsignor Alex Stenson of the Archdiocese of Dublin, this was because the Vatican opposed the requirement to report to civil authorities, which it saw as putting ‘the reputation and good name of a priest at risk’.<sup>271</sup> The Congregation for the Clergy told the Irish Bishops that “‘mandatory reporting’” gives rise to serious reservations of both a moral and canonical nature’.<sup>272</sup> As a consequence, if the bishops did seek to make use of the provisions of the Framework document was not binding as canon law on dioceses and religious orders in Ireland.<sup>273</sup>

In 2005 a joint initiative of the ICCB, the Conference of Religious of Ireland (CORI) and the Irish Missionary Union (IMU) produced the document *Our children, our Church*, which replaced the Framework document. In 2006 the ICCB, CORI, and IMU established a new child protection service called the National Board for Safeguarding Children, which replaced the *Our children, our Church* guidelines in 2009<sup>274</sup> and again in 2016.<sup>275</sup> ‘Safeguarding’ is a term used in the United Kingdom and Ireland to refer to policies and protocols to protect the health and wellbeing of people, especially children and vulnerable adults, including by the prevention of sexual abuse.

### 3.4.3 Response of the Republic of Ireland

The Government of the Republic of Ireland responded to the increasing number of allegations of abuse and mishandling of complaints by members of the Catholic Church in Ireland. On 11 May 1999, the Irish Government apologised for its failure to intervene in, detect and respond to victims of childhood abuse.<sup>276</sup> Four major inquiries followed, as discussed below.

### 3.4.4 Ferns inquiry

On 19 March 2002 the documentary *Suing the pope*, about Father Sean Fortune and his sexual abuse of both adults and children in the Diocese of Ferns, was televised. The documentary led to the resignation of Bishop Brendan Comiskey, Bishop of the Diocese of Ferns, for his handling of allegations against Father Fortune.<sup>277</sup> Bishop Comiskey had received allegations of sexual abuse and child sexual abuse against Father Fortune on three occasions, in 1985, 1988 and 1990.<sup>278</sup> None of these allegations was reported to police at the time, and Father Fortune remained in active ministry.<sup>279</sup> Father Fortune took his own life in March 1999, before the charges against him reached trial.<sup>280</sup>

*Suing the pope* led to a formal inquiry into the Diocese of Ferns (the Ferns inquiry), ordered by the Irish Government's Minister of Health and Children.<sup>281</sup> The Ferns inquiry considered the response of the Diocese of Ferns to incidents of sexual abuse occurring before 2002.<sup>282</sup> The Ferns inquiry identified over 100 complaints of child sexual abuse against 21 priests in the diocese.<sup>283</sup> The report of the Ferns Inquiry, published in October 2005, examined the structures and management of the diocese and raised the issue of the adequate screening of candidates before admission to the seminary and prior to ordination.<sup>284</sup> The expert group informing the Ferns Inquiry unanimously concluded that the vow of celibacy had contributed to child sexual abuse within the Catholic Church.<sup>285</sup> The report emphasised that the failure to prosecute an accused priest, or the absence of a guilty verdict, was not sufficient justification for returning a priest to unsupervised contact with children,<sup>286</sup> and recorded 'its revulsion at the extent, severity and duration of the child sexual abuse allegedly perpetrated on children by priests acting under the aegis of the Diocese of Ferns'.<sup>287</sup>

The Ferns inquiry made a number of recommendations, including that:

- everyone who receives a complaint should make a written record of the information received<sup>288</sup>
- the bishop of the diocese should be supported by management training in order to fulfil his role<sup>289</sup>
- high-level meetings should occur between the diocese, police and health authorities where allegations and concerns, as well as rumours and suspicions, of child sexual abuse are raised.<sup>290</sup>

### 3.4.5 Murphy Commission

In October 2002, the documentary *Cardinal secrets* was aired on Irish television, identifying nine priests accused of child sexual abuse in the Archdiocese of Dublin.<sup>291</sup> A major police investigation into allegations of clerical sexual abuse in the archdiocese followed.<sup>292</sup> In 2006, the Irish Government established the Commission of Investigation into the Catholic Archdiocese of Dublin, headed by Judge Yvonne Murphy (Murphy Commission).<sup>293</sup> The Murphy Commission investigated the handling of allegations and suspicions of child sexual abuse against diocesan clergy by the Catholic Church and state authorities from 1975 to 2004. The Minister for Justice and Equality published the *Commission of Investigation report into the Catholic Archdiocese of Dublin* in 2009.<sup>294</sup>

The Murphy Commission found that complaints of child sexual abuse had been made against 172 named priests and 11 unnamed priests in the Archdiocese of Dublin and concluded that ‘child sexual abuse by clerics was widespread throughout the period under review’.<sup>295</sup> It closely examined a representative sample of cases, involving 46 priests alleged to have abused over 320 children.<sup>296</sup> The Murphy Commission found that:

The Dublin Archdiocese’s pre-occupations in dealing with cases of child sexual abuse, at least until the mid 1990s, were the maintenance of secrecy, the avoidance of scandal, the protection of the reputation of the Church, and the preservation of its assets. All other considerations, including the welfare of children and justice for victims, were subordinated to these priorities. The Archdiocese did not implement its own canon law rules and did its best to avoid any application of the law of the State.<sup>297</sup>

The Murphy Commission discussed factors affecting the response of the Archdiocese of Dublin to allegations of child sexual abuse by clergy and examined the structure and management of the archdiocese. It agreed with the Ferns Inquiry that management of a diocese was largely dependent on the personality of the bishop,<sup>298</sup> and concluded that ‘institutional structures need to be sufficiently embedded to ensure that they survive uncommitted or ineffective personnel’.<sup>299</sup> In reference to canon law, the Murphy Commission found that ‘Catholic Church authorities, in dealing with complaints against its clerics, gave primacy to its own laws’.<sup>300</sup> The report also stated that:

The Archdiocese of Dublin was, in the period relevant to the Commission’s inquiry, apparently ignorant of many of the laws relating to the Church’s self governance ... Even the best attempts of competent people to discover the norms which, according to canon law, should be applied to cases of sexual abuse were in vain.<sup>301</sup>

In 1986 the Archdiocese of Dublin had obtained insurance cover, which was amended in 1987 to include a special policy relating to priestly misconduct.<sup>302</sup> The Murphy Commission found that this action by the archdiocese signified knowledge of the abuse by priests and the financial risk it posed to the archdiocese.<sup>303</sup>

### 3.4.6 Ryan Commission

In 2000, the Irish Government created the Commission to Inquire into Child Abuse (the Ryan Commission), a statutory body to investigate the abuse of children in institutions run by religious organisations for the state.<sup>304</sup> The Ryan Commission, headed by Judge Seán Ryan, published its report in 2009. It investigated whether abuse, including sexual abuse, had occurred in institutions between 1940 and 1999, as well as the cause, nature and extent of such abuse.<sup>305</sup> The Ryan Commission also inquired specifically into the systems of management and supervision of the institutions that may have contributed to the incidence of abuse.<sup>306</sup> Eighteen Catholic religious congregations participated in the inquiry.<sup>307</sup>

The Ryan Commission concluded that, overall, in Ireland between 1940 and 1999:

Sexual abuse was endemic in boys' institutions. The situation in girls' institutions was different. Although girls were subjected to predatory sexual abuse by male employees or visitors or in outside placements, sexual abuse was not systemic in girls' schools.<sup>308</sup>

The Ryan Commission made a number of findings about the response of religious orders to allegations of child sexual abuse, including that incidents of sexual abuse were managed 'with a view to minimising the risk of public disclosure and consequent damage to the institution and the Congregation'.<sup>309</sup> Furthermore, the Ryan Commission found that 'the recidivist nature of sexual abuse was known to religious authorities'.<sup>310</sup> When evidence of sexual abuse was received, the 'response of the religious authorities was to transfer the offender to another location where, in many instances, he was free to abuse again'.<sup>311</sup> Although 'sexual abuse was known to religious authorities to be a persistent problem in male religious orders' throughout the period investigated by the Ryan Commission, cases of sexual abuse were 'treated in isolation and in secrecy by the [congregational] authorities and there was no attempt to address the underlying systemic nature of the problem'.<sup>312</sup>

The Ryan Commission found that congregational authorities did not listen to or believe complaints of historical abuse even in the face of extensive evidence from police investigations, criminal convictions and witness accounts. Some congregations remained 'defensive and disbelieving' and 'in general, male religious Congregations were not prepared to accept their responsibility for the sexual abuse that their members perpetrated'.<sup>313</sup> The sexual abuse of girls was 'generally taken seriously by the Sisters in charge', and 'lay staff were dismissed when their activities were discovered'.<sup>314</sup> The Ryan Commission also found that a 'culture of silence' meant sexual abuse by members of religious orders was seldom reported to the Department of Education or the police.<sup>315</sup> In contrast, lay abusers generally were reported to the police.<sup>316</sup>

To address the impact of abuse on survivors, the Ryan Commission recommended that a memorial be erected and the 'lessons of the past should be learned'.<sup>317</sup> In particular, the Ryan Commission recommended that the congregations should:

examine how their ideals became debased by systemic abuse. They must ask themselves how they came to tolerate breaches of their own rules and, when sexual and physical abuse was discovered, how they responded to it, and to those who perpetrated it. They must examine ... how the interests of the institutions and the Congregations came to be placed ahead [of] those of the children who were in their care.<sup>318</sup>

The Ryan Commission also made a number of recommendations aimed at preventing and reducing the incidence of abuse of children in institutions.<sup>319</sup> This included recommendations that 'Childcare policy should be child-centred' and the 'needs of the child should be paramount'.<sup>320</sup> According to the Ryan Commission, the 'State and Congregations lost sight of the purpose for which the institutions were established, which was to provide children with a safe and secure environment and an opportunity of acquiring education and training'.<sup>321</sup>

The Ryan Commission also recommended that 'management at all levels should be accountable for the quality of services and care'.<sup>322</sup> Other recommendations addressed improving communication between all responsible agencies and departments,<sup>323</sup> children's access to support services,<sup>324</sup> participation of children in evaluation of services,<sup>325</sup> and recordkeeping.<sup>326</sup>

### 3.4.7 Cloyne inquiry

In 2009, the Irish Government requested the Murphy Commission, which had previously inquired into the Archdiocese of Dublin to turn its attention to the Diocese of Cloyne (Cloyne inquiry).<sup>327</sup> In 2011 the Cloyne inquiry reported that 'the response of the Diocese of Cloyne to complaints and allegations of clerical child sexual abuse in the period 1996 to 2008 was inadequate and inappropriate'.<sup>328</sup> The start point of this period coincided with the Irish Catholic Church's adoption of national guidelines on handling allegations of child sexual abuse. The Cloyne inquiry found that Bishop John Magee, the Bishop of Cloyne, had, for 12 years, taken little interest in implementing the guidelines set out in the national Framework document, instead delegating the authority to do so to others. The Vicar General of Cloyne, Monsignor Denis O'Callaghan, had refused to accept the Framework document as Catholic Church policy.<sup>329</sup> The Cloyne inquiry concluded that the Diocese of Cloyne's uncommitted and 'ineffective' leadership meant that no structures were ever embedded to account for ineffectual personnel.<sup>330</sup>

The Cloyne report also highlighted what it described as the Vatican's 'unhelpful' reaction to the Irish bishops' national Framework document. The report noted that the Congregation for the Clergy had told the bishops that the Framework document contained procedures that 'appear contrary to canonical discipline' and threatened that if they were used they could invalidate cases lodged with the Holy See.<sup>331</sup> The report stated that this effectively gave individual Irish bishops the freedom to ignore the Framework document.<sup>332</sup>

### 3.4.8 Northern Ireland inquiry

In May 2012 the Government of Northern Ireland established the Historical Institutional Abuse Inquiry (the Northern Ireland inquiry) to investigate systemic failings by institutions or the state in their duties towards children in their care between 1922 and 1995.<sup>333</sup> The Northern Ireland inquiry's report, which was published in January 2017, documented evidence of 'systemic physical, sexual and emotional abuse of children in institutional care' in Northern Ireland.<sup>334</sup> The inquiry considered government and secular institutions as well as Catholic and Anglican managed residential institutions. The largest number of complaints related to homes managed by two Catholic religious orders, the Sisters of Nazareth and the De La Salle Brothers.<sup>335</sup> A separate section was dedicated to the case of Father Brendan Smyth and to child migration to Australia.<sup>336</sup> The inquiry recommended a public apology to survivors as well as monetary compensation and specialist care and assistance.<sup>337</sup>

The report also recommended that those who were sent to Australia under the child migration scheme should receive an additional special payment for 'the injustice they suffered as young children by being sent to a far away land and losing their sense of identity as a result'.<sup>338</sup> Nearly all of the 65 Former Child Migrants who gave evidence or provided written statements were sent to Australia after World War II. The Northern Ireland inquiry did not have the powers to investigate what the Former Child Migrants experienced once in an institution in Australia, but they heard evidence of alleged 'serious forms of abuse' which had 'profound' impacts on their lives.<sup>339</sup> Many of these survivors were 'bitterly critical' of the institutions that sent them to Australia, where they lost all contact with their parents and siblings.<sup>340</sup> One survivor gave this evidence:

My life in institutions has had a profound impact on me. I have always wondered what it would be like to have had a family – a mother and father and brothers and sisters. I never got the chance to find out because I was sent to Australia. We were exported to Australia like little baby convicts ... I still cannot get over the fact that I was taken away from a family I never got the chance to know.<sup>341</sup>

## 3.5 United Kingdom

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In the 1990s, the conviction of two Catholic priests in the United Kingdom for the sexual abuse of children received substantial media attention, prompting a public response by the Catholic Church in England and Wales.

In May 1993, Father Samuel Penney of the Archdiocese of Birmingham was convicted of the indecent assault of ten children between 1967 and 1992 and was sentenced to seven years' imprisonment.<sup>342</sup> The Archdiocese of Birmingham had received allegations of child sexual abuse against Penney in 1984, 1986 and 1990.<sup>343</sup> He had remained in active ministry in various parishes in the archdiocese, during which time he had been referred for psychiatric treatment.<sup>344</sup>

In 1997, Father Michael Hill was convicted in relation to sexual assaults of minors between 1978 and 1985 in various parishes of the Diocese of Arundel and Brighton.<sup>345</sup> In 2000, Cardinal Cormac Murphy-O'Connor told the media that prior to 1983, when he was bishop of the diocese, allegations were raised with him about Father Hill, and his response was to require Father Hill to undergo assessment and counselling. Father Hill was returned to ministry in 1985.<sup>346</sup> In 2001, Hill pleaded guilty to further offences against children which had occurred between 1969 and 1987.<sup>347</sup>

### 3.5.1 The Nolan reports

Following the public controversy about his mishandling of the Father Michael Hill case, Cardinal Cormac Murphy-O'Connor established an independent review committee (the Nolan Review Committee), chaired by Lord Nolan, to examine arrangements for child protection and the prevention of abuse in the Catholic Church in England and Wales.<sup>348</sup> It released two reports in 2001, under the title *A programme for action*.

The first Nolan report contained 50 recommendations, including that the Catholic Church in England and Wales 'become an example of best practice in the prevention of child abuse and in responding to it'.<sup>349</sup> A key priority was the adoption of preventative policies and practices across the Catholic Church that would minimise the risk of abuse and apply to all staff and volunteers, including clergy and religious.<sup>350</sup> The Nolan Review Committee also made recommendations regarding issues such as the power of the bishops to override advice on the ordination of candidates,<sup>351</sup> administrative leave for accused priests, gaps in canon law,<sup>352</sup> and public expectations around the laicisation of convicted priests.<sup>353</sup>

The second Nolan report contained 83 recommendations, including for statutory reporting 'without any process of filtering',<sup>354</sup> the review of historical cases for current risk and reporting,<sup>355</sup> and consideration of the physical environment around the sacrament of confession.<sup>356</sup> The report recommended the establishment of a National Child Protection Unit (NCPU) that should make a public annual report to the Bishops' Conference,<sup>357</sup> and that every Catholic parish in England and Wales was to have a lay Parish Child Protection Representative (PCPR) appointed by the diocesan Child Protection Co-ordinator. The Child Protection Co-ordinator was to be nominated by the bishop and to provide an annual report.<sup>358</sup> All 83 recommendations were eventually accepted by the Catholic Bishops' Conference of England and Wales (Conference of Bishops) and the Conference of Religious in England and Wales (Conference of Religious).<sup>359</sup>



### 3.5.2 Cumberlege Commission

In July 2006, Cardinal Murphy-O'Connor commissioned Baroness Julia Cumberlege to review the implementation of the two Nolan reports and make further recommendations for change.<sup>360</sup> *Safeguarding with confidence: Keeping children and vulnerable adults safe in the Catholic Church* (the Cumberlege report) was published in 2007. Noting that the Nolan reports had contained 'some unpalatable recommendations',<sup>361</sup> the Cumberlege Commission expressed its concern that, five years on from the Nolan reports, bishops and religious leaders were 'minimising the distressing consequences, the harmful impact and the anguish that follows in the wake of child abuse'.<sup>362</sup>

The Cumberlege Commission made 72 recommendations, the first of which was that the Conference of Bishops and the Conference of Religious in England and Wales should adopt a 'One Church' approach to safeguarding children<sup>363</sup> since, at the time, there were 430 known religious congregations in England and Wales with varying degrees of independence from the dioceses in which they operated.<sup>364</sup> The Cumberlege Commission also recommended the creation of the National Safeguarding Commission, to be chaired by a lay person of seniority appointed by the Conference of Bishops and the Conference of Religious.<sup>365</sup>

The Cumberlege Commission was aware that its recommendations and those of the Nolan reports would not, according to the rules of canon law, be binding on individual bishops or congregational leaders.<sup>366</sup> Accordingly, it recommended that the Bishops' Conference should seek Vatican *recognitio* (approval) of its safeguarding laws for children and vulnerable adults, meaning they would become particular canon law for England and Wales 'and also secure a right of recourse to the Holy See against a diocese, religious congregation or other juridical person which failed to fulfil the obligations laid down in that law'.<sup>367</sup>

In September 2010, Pope Benedict XVI visited the United Kingdom and, during a sermon at Westminster Cathedral, expressed his sorrow to the children who had suffered abuse within the Catholic Church and by its ministers.<sup>368</sup>

On 12 March 2015, the Independent Inquiry into Child Sexual Abuse in England and Wales was established by the United Kingdom Government to consider the extent to which state and non-state institutions had failed in their duty to protect children from sexual abuse and exploitation. Its brief was also to examine how these failings had been addressed and what future action was required to protect children from such abuse.<sup>369</sup> On 27 May 2016, the inquiry announced an investigation into the Catholic Church in England and Wales.<sup>370</sup>

### 3.5.3 Scotland

In 2013, the most senior figure in the Catholic Church in Britain, Cardinal Keith O’Brien, Archbishop of St Andrews and Edinburgh, stepped aside from his regular duties over allegations of sexual impropriety with three young priests and an adult seminarian.<sup>371</sup> In 2015, he resigned as cardinal while still retaining the title.<sup>372</sup>

In September 2013, the documentary *Sins of Our Father*, on sexual abuse at the Benedictine Fort Augustus Abbey, was broadcast. It told the story of victims who alleged sexual abuse over a period of 30 years at the prestigious Fort Augustus Abbey boarding school.

In November 2013, the Catholic Bishops’ Conference of Scotland commissioned an independent review of safeguarding protocols and policies, chaired by the Hon. Andrew McLellan (the McLellan Commission).<sup>373</sup> The McLellan Commission report, *A review of the current safeguarding policies, procedures and practice within the Catholic Church in Scotland*, was published in August 2015.<sup>374</sup> The McLellan Commission made eight headline recommendations, including recommendations related to the provision of support to victims,<sup>375</sup> the revision of the current child protection policy of the Catholic Church,<sup>376</sup> external scrutiny of and independence in the Catholic Church’s safeguarding policies,<sup>377</sup> monitoring the effectiveness of and improvement in safeguarding policies at all levels of the Catholic Church,<sup>378</sup> the need for justice to be done and be seen to be done,<sup>379</sup> and high-quality training and continuous professional development at all levels of safeguarding.<sup>380</sup> The McLellan Commission recommended a consistent approach to safeguarding and responding to child sexual abuse.<sup>381</sup> Finally, the McLellan Commission recommended that ‘the Catholic Church in Scotland should develop a theology of safeguarding that was coherent and compelling’.<sup>382</sup>

In October 2015, the Scottish Government established a statutory public inquiry into the historical abuse of children in care, in the wake of increasing allegations. The inquiry is due to report within four years of its inception.<sup>383</sup>

## 3.6 Europe

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### 3.6.1 Belgium

Public awareness of child sexual abuse within the Catholic Church in Belgium began in April 2010 with allegations that the Bishop of Bruges, Bishop Roger Vangheluwe, had sexually abused his nephew in the 1970s and 1980s. He later admitted to the offence and resigned as bishop in April 2010.<sup>384</sup>

In the same year, the Belgian Catholic Bishops' Conference appointed the Committee on Sexual Abuse in a Pastoral Relationship (Adriaenssens Commission) chaired by child psychiatrist Professor Peter Adriaenssens of the University of Leuven, to examine child sexual abuse by clergy and religious in Belgium. However, the Adriaenssens Commission disbanded after Belgian police raided its offices in Leuven in June 2010 and removed all its files and computers.<sup>385</sup> The Commission was never able to continue its inquiries, but the Adriaenssens Commission released its findings in September 2010.<sup>386</sup> The Adriaenssens Commission's report stated that 507 witnesses had come forward to report abuse by clergy and religious in previous decades.<sup>387</sup> Two-thirds of the victims were boys, but 100 girls had also reported sexual abuse. The abuse went back to the 1950s, but most abuse was alleged to have occurred in the 1960s and 1970s.<sup>388</sup> Adriaenssens documented abuse in almost every diocese in Belgium and almost every school run by the Catholic Church.<sup>389</sup>

### 3.6.2 The Netherlands

In 2010, the Bishops Conference of The Netherlands appointed former education minister Willem Deetman to head an independent inquiry into the sexual abuse of children in the Catholic Church in the Netherlands.<sup>390</sup> The Commission of Inquiry into Sexual Abuse of Minors in the Roman Catholic Church (Deetman inquiry) published its report in December 2011, covering the period 1945 to March 2010. The inquiry centred around 10 research questions, examining topics including the extent and nature of sexual abuse within the Catholic Church in the Netherlands; the culture of silence; potential causes of abuse, including celibacy; canon law; and the frameworks for responding to allegations.<sup>391</sup> The report paid considerable attention to the historical and social context in which child sexual abuse in Catholic Church institutions took place. It highlighted that the Dutch bishops were aware of the problem of child sexual abuse by clergy and religious as early as the 1940s, and paid considerable attention to the role of Dutch psychiatrists who advised the bishops about treatment.<sup>392</sup>

The Deetman inquiry examined 1,197 allegations of the sexual abuse of children within the Catholic Church in the Netherlands<sup>393</sup> and reported that the majority of victims were boys, with over half the victims aged between six and 12 years when the sexual abuse first occurred.<sup>394</sup> The sexual abuse of children reported to the inquiry occurred as early as 1936 and as recently as 2006.<sup>395</sup>

The Deetman inquiry also auspiced a survey of 34,234 Dutch citizens aged over 40, which showed that one in 10 had as a child been subjected to unwanted sexual advances by an adult non-family member (9.7 per cent of the sample size). This figure was higher for those who had a Catholic upbringing than for those who did not. Between one in 100 (0.9 per cent) and one in 300 (0.3 per cent) of Dutch persons aged over 40 years reported that they had been sexually abused as a child by a person working for the Catholic Church.<sup>396</sup>

### 3.6.3 Germany

Public awareness of child sexual abuse within the Catholic Church in Germany began with revelations in January 2010 of abuse at Canisius College in Berlin, a prestigious co-educational school run by the Society of Jesus.<sup>397</sup> This was followed in March 2010 by allegations of sexual and physical abuse within the prominent, all-male Regensburg Cathedral Choir, the *Regensburger Domspatzen*, and its associated boarding school located in the Diocese of Regensburg in Bavaria. In January 2016, an investigation found that 231 members of the Regensburg Choir had been sexually abused as children between 1953 and 1992.<sup>398</sup>

Mounting allegations of child sexual abuse within the Catholic Church and the wider German society prompted responses from the Catholic Church and the federal government. In 2011 a federal government project assessed the occurrence of child sexual abuse in German society and found 451 complaints relating to the Catholic Church.<sup>399</sup> In 2010 a self-reporting hotline was set up by the Catholic Church, and by 2012 it had received 753 reports of sexual and physical abuse. The alleged perpetrators included 479 diocesan priests, 122 religious order priests, 79 nuns, 11 brothers, and 69 volunteers. Most of the abuse dated back to the 1950s, 1960s and 1970s.<sup>400</sup>

### 3.6.4 Poland

As of 2017, there has been no public inquiry into child sexual abuse within the Catholic Church in Poland, and information is therefore limited. However, some figures are available. In 2015 the United Nations Committee on the Rights of the Child (the Committee) considered the periodic report of Poland and, during the interactive dialogue, questioned the Polish delegate about child sexual abuse by priests.<sup>401</sup> The Polish delegate told the Committee there had been 42 cases of sexual abuse committed by members of the clergy, describing them as ‘paedophilia, presentation of pornographic content to minors, threats, and rape’.<sup>402</sup> The Committee expressed its concern that cases were yet to surface and abuse may be ongoing. It recommended that the Polish Government ‘continue its efforts to ensure that all cases of sexual abuse of children are investigated and prosecuted, including those allegedly committed by members of the Catholic clergy and representatives of other religions’.<sup>403</sup> The Committee also recommended that appropriate channels for the disclosure of abuse by children and adults also be established, and offenders be deterred from having contact with children in their professional capacity.<sup>404</sup>

In 2004, Father Adam Zak, head of the office of child protection for the Polish Conference of Bishops, presented research to a conference on paedophilia, reporting that 19 Polish clerics had been convicted of child sexual abuse between 2010 and 2013.<sup>405</sup>

Cahill and Wilkinson also note a 2013 book by Dutch journalist Ekke Overbeek, who has lived in Poland for more than a decade. On the basis of an analysis of the Polish media for the years 2001 to 2011, Overbeek has suggested that 27 priests had been convicted of child sexual abuse in Poland. He also interviewed several survivors of clergy child sexual abuse. All the males were altar boys with the assaults usually taking place in the priest's home or on parish premises. Overbeek also documents how at a time of great shortages in Poland, some priest-perpetrators would offer sweets and chocolates as an enticement.<sup>406</sup>

### 3.6.5 Spain

Only recently has public attention turned to the issue of child sexual abuse within the Catholic Church in Spain, and there has been no public inquiry. Cahill and Wilkinson have cited an unpublished 2014 academic paper by Gema Varona Martinez, a victimology and criminal policy specialist at the University of the Basque Country, Spain, who reported that 36 Catholic priests from 22 Spanish dioceses had been arraigned before the Spanish courts between 1986 and 2014, in particular in Madrid and Barcelona.<sup>407</sup> Also in 2014, media reports suggested that there were numerous child sexual abuse allegations within the Archdiocese of Granada.<sup>408</sup> In 2015, 10 priests and two Catholic lay workers faced charges in relation to offences of sexual abuse against four boys between 2004 and 2007 in the Archdiocese of Granada.<sup>409</sup> The charges against 11 of the accused were later dropped, as a result of a three-year statute of limitations.<sup>410</sup> In February 2016 a Spanish newspaper reported allegations against a former teacher at a Marist Brothers school in Barcelona. The next month, the same newspaper reported that there were 29 complaints against six former teachers from three Marist Brothers schools in Barcelona. On 6 March 2016, in an interview published in *El Periódico de Catalunya*, the Archbishop of Barcelona, Archbishop Juan Jose Omella, apologised to victims.<sup>411</sup>

Cahill and Wilkinson, in their literature review, also noted a 1994 general population study of abuse in childhood in Spain by Pepe Rodriguez, who found that 4.17 per cent of victims had been abused by a priest. He estimated that 6 to 7 per cent of Spanish priests had abused children.<sup>412</sup>

### 3.6.6 Italy

There has been no public inquiry into child sexual abuse within the Catholic Church in Italy. In 2010 the media reported that Don Ruggero Conti, a Rome-based priest, had been arrested on charges of child sexual abuse in 2008.<sup>413</sup> Conti was sentenced in 2011 to more than 15 years prison for sexually abusing seven boys within his Selva Candida parish between 1998 and 2008.<sup>414</sup> This case was perhaps the first time an Italian bishop had given evidence in a trial of child sexual abuse in Italy. Bishop Gino Reali of Porto-Santa Rufina told the court that in 2006 he had heard rumours of abuse by Conti, which he had investigated. He said he had responded by telling Conti that he should be more prudent in his behaviour towards children

and not have children sleeping at his home.<sup>415</sup> Soon after the 2010 trial, the leader of the Italian Bishops' Conference, Cardinal Angelo Bagnasco, in a rare public acknowledgment, stated that it was 'possible' that bishops in Italy had covered up abuse. In the same news conference, the Secretary General of the Italian Bishops' Conference, Bishop Mariano Crociata, indicated that 100 priests had been the subject of church investigations into child sexual abuse. This was the first time the Italian Bishops' Conference had ever publicly quantified the number of Italian cases of clergy child sexual abuse.<sup>416</sup>

One of the most high profile cases of clergy child sexual abuse in Italy has been that of Father Mauro Inzoli, a priest of the Communion and Liberation movement, who was dismissed from the priesthood by Pope Benedict XVI in 2012 for abusing dozens of children over a ten-year period. In 2014, Pope Francis re-instated Inzoli but ordered him to stay away from children and sentenced him to a 'life of prayer and penance'. In 2016, Father Inzoli was convicted in an Italian court on eight counts of sexual abuse of children aged 12 to 16 years. Subsequently, in June 2017, Pope Francis dismissed Inzoli from the priesthood.<sup>417</sup> During Father Inzoli's trial, the Holy See refused requests by Italian magistrates for church documents relating to his case. The Congregation for the Doctrine of the Faith responded that its procedures 'are of a canonical nature and, as such, are not an object for the exchange of information with civil magistrates'.<sup>418</sup>

In 2014, the Italian Bishops' Conference published its first national guidelines for dealing with the sexual abuse of children by priests.<sup>419</sup> According to reports in the Catholic media, the Italian Bishops' Conference guidelines encourage bishops to cooperate with civil authorities in cases of clergy child sexual abuse, but state that bishops are under no legal obligation to report abuse allegations to the police or other civil authorities, and that they are 'exonerated' from releasing to the state documents relating to child sexual abuse.<sup>420</sup>

In their literature review, Cahill and Wilkinson have commented that it is impossible to say how serious the problem of child sexual abuse is in the Catholic Church in Italy, because there are no reliable sources.<sup>421</sup>

### 3.7 Latin America

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As of 2017, there have been numerous reported cases of child sexual abuse within the Catholic Church in Latin America, but a comprehensive picture of clergy child sexual abuse in this region is not yet available. Several high-profile cases are highlighted below.

The highest profile case to date concerns child sexual abuse allegations against Mexican-born priest Father Marcial Maciel Degollado, founder of a religious order of priests in Mexico called the Legionaries of Christ. Father Maciel established the Legionaries of Christ in Mexico in 1941. The order thrived, operating in 22 countries, claiming to have 800 priests and 2,500 seminarians.<sup>422</sup>

Maciel's case has been documented by journalist Jason Berry, who has stated that Maciel was a morphine addict and that he abused at least 20 Legion seminarians from the 1940s to the 1960s, and was first investigated by the Vatican between 1956 and 1958.<sup>423</sup> One of Maciel's victims wrote a letter of complaint to the Holy See in 1976, and later to Pope John Paul II in 1978 and 1989, without result.<sup>424</sup> Dr Doyle provided evidence during our Institutional review of *Catholic Church authorities* hearing, that in 1979 the Bishop of Rockville Center New York, sent to the Holy See a complete file of a priest of his diocese who had been a member of the Legion and had been sexually abused by Maciel as a teenager. The file received an acknowledgement from the Holy See, but 'neither the bishop or the accuser ever heard anything more'.<sup>425</sup> In 1994, Pope John Paul II wrote an open letter marking the 50<sup>th</sup> anniversary of Maciel's ordination, describing him as 'an efficacious guide to youth'.<sup>426</sup>

In 1998, eight former Legionaries filed a canon law case with the Congregation for the Doctrine of the Faith alleging that they had been abused by Maciel between the 1940s and 1960s when they were aged 10 to 16 years.<sup>427</sup> Dr Doyle stated in his evidence that in 1999, 'they were abruptly informed that on orders of Pope John Paul II the process was halted'.<sup>428</sup> However, in 2004, the then Prefect of the Congregation for the Doctrine of the Faith, Cardinal Joseph Ratzinger, re-opened the investigation.<sup>429</sup>

On 1 May 2006, shortly after Cardinal Ratzinger's election as Pope Benedict XVI, the Vatican advised that an apostolic visitation of the Legionaries of Christ had found that the 'very grave and objectively immoral actions of Father Maciel, confirmed by incontrovertible testimonies, in some cases constitute real crimes and manifest a life devoid of scruples and authentic religious meaning'.<sup>430</sup> A second Vatican communiqué advised that there would not be a canonical process to deal with the matter on account of Father Maciel's advanced age and delicate health, but invited Father Maciel to a 'reserved life of prayer and penance, renouncing all public ministry'.<sup>431</sup>

Dr Doyle's evidence was that, after Maciel's death in 2008, the Vatican confirmed that Maciel had sexually abused 'no less than 20 and no more than 100' seminarians. It also emerged that Maciel had lived a double life with several aliases and fathered children by two and possibly three different women.<sup>432</sup> Two of Maciel's sons alleged that he had sexually abused them.<sup>433</sup>

Maciel is the most high-profile example of a phenomenon identified in their literature review by Cahill and Wilkinson, of 'sexually corrupt founders' of religious congregations who have been exposed in recent decades. Another Latin American founder of a religious institute who was the subject of sexual abuse allegations is Luis Fernando Figari, the lay Peruvian founder of the *Sodalium Christianae Vitae* or Sodality of the Christian Life (SCV). In 2017, he was prohibited by the Vatican from having any further contact with members of the institute following an investigation of allegations of abuse of minors and young men.<sup>434</sup>

In October 2012, Pope Benedict XVI accepted the resignation on health grounds of Bishop Marco Antonio Órdenes Fernández, the Bishop of Iquique in Chile. The apostolic nunciature in Chile confirmed that Bishop Ordenes was under investigation by the Vatican over allegations of child sexual abuse.<sup>435</sup>



In August 2013, Archbishop Jozef Wesolowski, Papal Nuncio to the Dominican Republic, was recalled to the Vatican. Soon after, in early September 2013, the media in the Dominican Republic reported that Archbishop Wesolowski had sexually abused children between 2008 and 2013, while working as the Vatican's ambassador.<sup>436</sup> The Vatican's handling of the Wesolowski case received international scrutiny. In June 2014, in its concluding observations to the Holy See, the United Nations Committee Against Torture recommended that the Holy See ensure that the competent authority 'proceed to a prompt and impartial investigation of Archbishop Wesolowski'.<sup>437</sup> In the same month, Archbishop Wesolowski became one of the very few bishops to be laicised as a result of allegations of child sexual abuse.<sup>438</sup> More significantly, in September 2014 the Vatican announced that Wesolowski would stand trial, in the first criminal trial of a cleric on charges of child sexual abuse in the Vatican.<sup>439</sup> Wesolowski died in August 2015, before he was able to stand trial.<sup>440</sup>

Cases of clergy child sexual abuse have also emerged in Argentina,<sup>441</sup> Brazil,<sup>442</sup> and Chile.<sup>443</sup>

### 3.8 Africa and Asia

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As of 2017, a comprehensive picture of child sexual abuse by Catholic religious and clergy in Africa and Asia is not yet available.

In 2010, in a statement on behalf of the South African Catholic Bishops' Conference, Archbishop Buti Tlhagale of Johannesburg told the media that the child sexual abuse crisis 'affects us all'. He said that misconduct by priests in Africa had not been subject to the same 'glare of the media' as elsewhere, but that the Catholic Church in Africa 'is inflicted with the same scourge'.<sup>444</sup> By this time, the media had reported that the South African Catholic Bishops' Conference had received some 40 complaints of sexual abuse over the previous 14 years, in relation to incidents stretching back four decades.<sup>445</sup>

In recent years, Catholic churches in Asia have responded to the issue of child sexual abuse by clergy and religious. In the Philippines, the President of the Catholic Bishops' Conference (CBCP), Archbishop Orlando Beltran Quevedo of Cotabato publicly apologised in 2002 for 'grave sexual misconduct by clerics and religious in the Philippines'.<sup>446</sup> The media reported that, according to Archbishop Quevedo, about 200 of the country's 7,000 priests may have committed sexual misconduct, including child abuse.<sup>447</sup> The apology was followed in 2003 by the publication of a document entitled *Pastoral guidelines on sexual abuses and misconduct by the clergy*, which explicitly stated that 'it does not belong to the pastoral office of the bishop to denounce a priest to civil authorities'.<sup>448</sup> In 2016, the CBCP released a communiqué entitled *Pastoral exhortation on the pastoral care and protection of minors*.<sup>449</sup>



In their literature review, Cahill and Wilkinson noted a Catholic media interview given by the Archbishop of Manila, Cardinal Luis Antonio Tagle, in which Cardinal Tagle stated that ‘I think for us ... exposing persons, both victims and abusers, to the public, either through media or legal action, that adds to the pain’.<sup>450</sup>

In April 2010, the Catholic Bishops’ Conference of India announced new guidelines adopting a zero-tolerance policy for priests found guilty of abuse. The guidelines also recommended that allegations of child abuse be reported to civil authorities.<sup>451</sup> The guidelines were drawn up in the wake of allegations of the sexual abuse of two young girls in Minnesota, United States, by Father Joseph Palanivel Jeyapaul of the Diocese of Ootacamund in Tamil Nadu state, who had fled the US after the allegations were made. He was subsequently extradited back to Minnesota, where in 2015 he was convicted of the sexual abuse of one girl, but not jailed. He returned to India and was suspended from ministry by his bishop. However, in 2016 his bishop lifted the suspension, on instructions from Vatican authorities.<sup>452</sup>

In May 2017, following several recent convictions and arrests of priests,<sup>453</sup> 127 Catholic theologians, priests, religious women, and members of various Catholic associations wrote to the President of the Indian Conference of Catholic Bishops expressing concern at the Catholic Church in India’s handling of clergy child sexual abuse, including that a new policy to address sexual abuse by clergy had not been made public. The letter followed a number of clergy sex abuse cases in the previous year, including the arrest of Father Robin Vadakkumcherry on charges of raping and impregnating a teenage girl in his parish in Kerala state.<sup>454</sup>

### 3.9 Conclusions on child sexual abuse in the global Catholic Church

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It is apparent that the sexual abuse of children in the Catholic Church is not a recent phenomenon.

There is a considerable body of canon law and other documentary and archival evidence of a long history of child sexual abuse by clergy and religious going back to the earliest centuries of Christianity, although the historical record is patchy.

It is clear that historically, the Catholic Church has viewed the sexual abuse of children as gravely sinful. The sexual abuse of a child by a cleric has been treated explicitly as a canonical crime since the beginning of the 4<sup>th</sup> century.

In earlier centuries, there were periods when members of the clergy were dismissed from the clerical state and handed over to the civil authorities to be punished in accordance with the civil law at the time. However, it is apparent that during the course of the 19<sup>th</sup> and 20<sup>th</sup> centuries the Vatican became increasingly unwilling to hand over priests to the civil authorities, or to dismiss clerics guilty of serious crimes from the clerical state.

It is also apparent from the numerous inquiries regarding child sexual abuse in the Catholic Church outside Australia, including in the United States, Canada, the Republic of Ireland and Northern Ireland, the United Kingdom and some countries in Europe, that this abuse is a widespread phenomenon. These inquiries reveal abuse by both priests and religious, in parish settings, schools and residential institutions. It appears that in some dioceses in a number of countries worldwide there have been many hundreds of victims of clergy child sexual abuse. In Canada, it appears, many thousands of Canadian Aboriginal children were abused in residential institutions operated by religious organisations.

These overseas inquiries also reveal commonalities in the institutional responses to child sexual abuse. Inquiry reports show some instances where the leaders of Catholic Church authorities, including archbishops and bishops, knew of allegations for decades but failed to take effective action.

Common responses, as detailed in these reports, included failures to report alleged perpetrators to civil authorities; failures to follow policies and procedures where they existed; failures to use available canon law measures; the transfer of alleged perpetrators from parish to parish and between dioceses; sending alleged perpetrators for treatment; failures to accept responsibility for the child sexual abuse perpetrated by priests and religious; and failures to appreciate the devastating impact of child sexual abuse on victims and their families.

The institutional responses described in these inquiry reports frequently showed the preoccupations noted by the Murphy Commission about the Dublin Archdiocese: 'the maintenance of secrecy, the avoidance of scandal, the protection of the reputation of the church and the preservation of its assets'.<sup>455</sup>

Some of these overseas inquiries also reveal some common concerns in relation to the factors that may have contributed to abuse, including clericalism, weaknesses in governance and issues related to sexuality and compulsory celibacy.

These overseas inquiries made a wide range of recommendations in relation to promoting the safety of children in Catholic Church institutions, as well as in relation to appropriate responses to survivors of child sexual abuse. We have considered the recommendations of these inquiries in our work.

# Endnotes

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## 4 Overseas inquiries relating to child sexual abuse in religious institutions

This chapter provides an overview of some of the inquiries outside of Australia that have considered child sexual abuse in institutions managed by religious organisations other than the Catholic Church.

We are aware that allegations of child sexual abuse have been raised in relation to non-Christian religious groups in various countries. However, most of the formal inquiries of which we are aware have considered child sexual abuse in Christian denominations. Our review of these inquiries has revealed some common themes in institutional responses to child sexual abuse in different religious institutions in a number of countries. Many of these themes have been reflected in our own case studies into responses of religious institutions in Australia. The reports of these inquiries include the following:

- *The Welfare of Former British Child Migrants* (Inquiry into the Welfare of Former British Child Migrants), United Kingdom<sup>1</sup>
- *Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada* (Truth and Reconciliation Commission of Canada), Canada<sup>2</sup>
- *Final report of the Independent Abuse Review Panel Presbyterian Church (U.S.A.)* (Presbyterian Church inquiry), United States<sup>3</sup>
- *Courage, cost and hope: The report on the Past Cases Review 2013-2015* (Methodist Church review), United Kingdom<sup>4</sup>
- *Inquiry into the Church of England's response to child abuse allegations made against Robert Waddington*, (Waddington inquiry), United Kingdom<sup>5</sup>
- *Manchester New Moston Congregation of Jehovah's Witnesses: Inquiry report* (Charity Commission inquiry), United Kingdom<sup>6</sup>
- *Elliott Review findings* (Elliott Review), United Kingdom<sup>7</sup>
- *An abuse of faith: The Independent Peter Ball Review* (Gibb review), United Kingdom.<sup>8</sup>

In addition to the above past inquiries, on 12 March 2015, the Independent Inquiry into Child Sexual Abuse in England and Wales (UK Child Abuse Inquiry) was established by the United Kingdom Government to consider the extent to which state and non-state institutions in England and Wales had failed in their duty to protect children from sexual abuse and exploitation.<sup>9</sup> In 2016, the UK Child Abuse Inquiry commenced an investigation into the nature of, extent of and institutional responses to child sexual abuse including within the Catholic Church, the Church of England, the Church in Wales and other Anglican churches operating in England and Wales.<sup>10</sup> As of mid-2017, the report of the UK Child Abuse Inquiry into child sexual abuse in the Anglican churches in England and Wales was not available. An interim report is due in April 2018.<sup>11</sup>



In 2017, the UK Child Abuse Inquiry commenced its public hearings on the sexual abuse of children in the British child migration programs.<sup>12</sup> The inquiry heard evidence from a number of institutions based in England and Wales on whether these institutions took sufficient care to protect from sexual abuse children they sent or placed abroad, including evidence from witnesses on behalf of the Catholic Church and The Salvation Army.<sup>13</sup>

## 4.1 Inquiry into the Welfare of Former British Child Migrants, United Kingdom

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An inquiry into the welfare of former British child migrants was conducted by the United Kingdom Parliament's House of Commons Select Committee on Health between 1997 and July 1998. Although child migration was a feature of British social policy for many years, the inquiry focused on the period after World War II when British children were sent to many former British colonies, including Australia. The exact number of child migrants who were sent to Australia is unknown, but the inquiry estimated that between 7,000 and 10,000 British children were sent to Australia and were placed in:

large, often isolated, institutions and were often subjected to harsh, sometimes intentionally brutal, regimes of work and discipline, unmodified by any real nurturing or encouragement. The institutions were inadequately supervised, monitored and inspected.<sup>14</sup>

A number of these institutions were managed by religious organisations. Others were managed by non-denominational organisations such as the Fairbridge Foundation. The inquiry found that 'the worst cases of criminal abuse in Australia appear to have occurred in institutions run by agencies of the Catholic Church',<sup>15</sup> and that 'widespread and systemic sexual abuse' had occurred in the Christian Brothers institutions in Western Australia. The report stated:

We have reflected very carefully on what it must have been like for young, frightened and vulnerable children in an alien environment, thousands of miles from home. As one former child migrant put it: "no one ran away as you had nowhere to run to" ... It is impossible to resist the conclusion that some of what was done there was of a quite exceptional depravity, so that terms like 'sexual abuse' are too weak to convey it ... unfortunately adult after adult described their suffering as children. We heard of being told that "whatever a priest did was the Will of God, but if a boy told what a priest did he would commit a mortal sin".<sup>16</sup>

The inquiry urged the Australian Government to initiate an inquiry into the post-war practices particularly of the institutions managed by the Christian Brothers in Western Australia and St Joseph's Orphanage, Neerkol in Queensland.<sup>17</sup>

## 4.2 Truth and Reconciliation Commission of Canada

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In 2008, the Truth and Reconciliation Commission of Canada was established under the terms of the Indian Residential Schools Settlement Agreement (IRSSA).<sup>18</sup> The commission was mandated to ‘reveal to Canadians’ the history and ongoing legacy of the church-run residential schools in Canada and to guide ‘a process of truth and healing’ for all those affected.<sup>19</sup> It travelled to ‘all parts of Canada to hear from the Aboriginal people who had been taken from their families as children, forcibly if necessary, and placed for much of their childhoods in residential schools’.<sup>20</sup> It heard from over 6,000 witnesses.<sup>21</sup> In 2015, the Truth and Reconciliation Commission of Canada published a separate history of Canada’s residential school system and a final report, *Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada*.<sup>22</sup>

Although the residential schools were government-established, the Catholic, Anglican, United, Methodist and Presbyterian churches were involved in their administration.<sup>23</sup> As indicated in Chapter 3, ‘Child sexual abuse in the global Catholic Church: early history and previous inquiries’, as of September 2013, Catholic Church run schools accounted for 68 per cent (18,903 claims) of the total claims admitted by the Independent Assessment Process established under the IRSSA to compensate former students for sexual and physical abuse experienced at the schools. This was followed by Anglican Church run schools, with 22.5 per cent (6,242 claims) of admitted Independent Assessment Process claims of physical and sexual abuse, then United Church (5 per cent, 1,427), Presbyterian (1.7 per cent, 465), non-denominational (1.5 per cent, 412), Mennonite (0.5 per cent, 133), and Baptist (0.14 per cent, 40).<sup>24</sup>

In reviewing the history of residential schools in Canada, the Truth and Reconciliation Commission of Canada stated that ‘abuse of children was rampant’ in residential schools,<sup>25</sup> and that ‘from the nineteenth century onwards, the government and churches were well aware of the risk that staff might sexually abuse residential school students’.<sup>26</sup> Former students told the commission of being raped at school and assaulted in the church confessional, the student showers and elsewhere on the school property by staff and clergy.<sup>27</sup> The commission found that complaints of child sexual abuse had been improperly investigated, not reported by church officials to government departments, not reported by church and government to families, and that both church and government had been reluctant to take matters to police.<sup>28</sup> It found that, when students did report abuse to family members, they were often not believed, and that ‘this was especially so within families that had adopted Christianity, and could not believe that the people of God looking after their children would ever do such things’.<sup>29</sup>

Based on the information received, the Truth and Reconciliation Commission of Canada made 94 ‘calls to action’.<sup>30</sup> Some of these gave specific direction to the churches that were parties to the IRSSA. Matters in the commission report relating to the Catholic Church are discussed separately in Section 3.3, ‘Canada’.



The Truth and Reconciliation Commission of Canada report included the full texts of the apologies made by parties who played direct roles in the residential school system.<sup>31</sup>

These included:

- an apology in 1986 on behalf of the United Church of Canada to the First Nations Peoples, and in 1998 to the former students, and their families and communities, of United Church Indian residential schools<sup>32</sup>
- an apology in 1993 from the Anglican Church of Canada to the National Native Convocation<sup>33</sup>
- a statement in 1994 from the Presbyterian Church in Canada, 'The Confession of the Presbyterian Church in Canada'; and the Presbyterian Church in Canada's Statement on Aboriginal Spiritual Practices in 2015<sup>34</sup>
- a statement by Anabaptist church leaders presented to the Truth and Reconciliation Commission of Canada in 2014.<sup>35</sup>

### 4.3 Presbyterian Church Inquiry, United States

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In 2004, the Presbyterian Church of the United States of America established the Independent Abuse Review Panel (IARP) to conduct a series of fact-finding investigations into past reports of the physical and sexual abuse of children on Presbyterian mission fields in a number of different countries.<sup>36</sup> The IARP was chartered by the General Assembly Council Executive Committee of the Presbyterian Church, following a recommendation from an Independent Committee of Inquiry appointed by the Presbyterian Church.<sup>37</sup> The IARP's report, *Final report of the Independent Abuse Review Panel Presbyterian Church (U.S.A.)*, was released in October 2010.<sup>38</sup>

The IARP received a total of 131 'reports', including 85 allegations. Of these allegations, 30 were allegations about sexual abuse by an adult, 40 were allegations of sexual abuse by a minor, 10 were about physical abuse, and 5 were unspecified. Other reports involved 'concerns' about potential abuse (28 reports) and 'failure to protect' (13 reports).<sup>39</sup> The reports identified 47 different alleged perpetrators, 31 being from the Presbyterian denomination. Of the 47 alleged perpetrators, 34 were identified as adults, 13 as minors, 40 as male, and 7 as female. Eleven were identified as teachers, 13 as houseparents, three as missionaries, and ten as 'peers'.<sup>40</sup> 67 per cent of the alleged victims were female, and 33 per cent were male.<sup>41</sup> The allegations of abuse spanned a period of a little over 40 years between 1948 and 1991,<sup>42</sup> and were distributed across 10 overseas countries where Presbyterian missionaries had operated: Cameroon, Congo (Zaire), Egypt, India, Mexico, Pakistan, Thailand, Kenya and Zambia (Kenya and Zambia were later found to be outside the scope of the review because the IARP found no indication of Presbyterian Church (USA) mission activity in those countries).<sup>43</sup> Much of the alleged abuse occurred in schools, boarding schools and hostels.

The IARP noted that the Presbyterian Church had accepted responsibility for the abuse committed against children on its mission fields.<sup>44</sup> It also noted that, since 1999, the Presbyterian Church had conducted neutral, fact-finding inquiries, implemented recommendations and provided counselling assistance to children who were abused in the missions and to their families.<sup>45</sup>

The IARP made several recommendations, including that the Presbyterian Church:<sup>46</sup>

- adopt a policy prohibiting the ordination of sex offenders
- conduct a study on the knowledge, attitudes and experiences of child sexual abuse and physical abuse
- conduct a dedicated study of mandated reporting and its implications for officers, commissioned lay pastors and certified educators
- establish a denominational registry of those found to have committed sexual abuse
- create an online training course on mandated reporting for officers, commissioned lay pastors and certified educators
- support changes in state laws within the United States for suspending statutes of limitations.

## 4.4 Methodist Church review, United Kingdom

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In 2010, the Methodist Church in the United Kingdom commissioned an independent review of cases of Church-related abuse, including child sexual abuse, from 1950 until 2014. The objectives of the review were to identify all past ‘safeguarding cases’, review the adequacy of the Church’s response in each case, implement remedial action where necessary, and formulate recommendations to ensure that safeguarding work within the Methodist Church was of the highest possible standard.<sup>47</sup> ‘Safeguarding’ is a term used in the United Kingdom and Ireland to refer to policies and protocols that protect the health and wellbeing of people, especially children and vulnerable adults, including by the prevention of sexual abuse. Under the remit of the review, four categories of people who were the subject of ‘safeguarding cases’ were reviewed: (1) ministers (presbyters and deacons), (2) lay volunteers with designated roles, (3) lay employees, and (4) members of Methodist churches.<sup>48</sup> The review produced a report, *Courage, cost and hope: The report on the Past Cases Review 2013–2015*.<sup>49</sup>

The review was conducted by Jane Stacey, former deputy chief executive of the children’s charity Barnardos, and was based on 2,566 submissions made by ministers and lay people who reported safeguarding concerns.<sup>50</sup> The review considered abuse that occurred within a Methodist Church context as well as matters which had been reported to the church as a matter of pastoral concern but had occurred away from the church (these included familial sexual

abuse and domestic violence of any kind which had been reported to the Methodist Church). The report noted that ‘boundaries can become very blurred – for example, when the familial abuse was perpetrated by someone holding office in the church’.<sup>51</sup>

The review identified a total of 1,885 safeguarding cases which occurred between 1950 and 2014.<sup>52</sup> These included sexual, physical, emotional and domestic abuse of children and adults as well as cases of neglect. In 638 of these cases the victim was under 18 years.<sup>53</sup> The report does not specify the number of cases that involved child sexual abuse. The report indicated that 200 ministers had been identified as perpetrators or alleged perpetrators. The abuse or concerns were of a sexual nature in relation to 102 of the 200 ministers. Reports about 43 ministers related to abuse or concerns where the victim was a minor.<sup>54</sup>

The report made 23 recommendations, relating to the Methodist Church’s culture, complaints and discipline processes, specific church practices, and the need for ongoing resources to implement these recommendations.<sup>55</sup>

In relation to church culture, the review identified two key areas of concern: weak accountability structures and a lack of support for ministers responding to cases of abuse. The review recommended that a clear supervision policy be drafted and implemented to address these weaknesses.<sup>56</sup>

In relation to complaints and disciplinary processes, the review identified a need for best-practice guidelines and training for individuals responding to complaints, the establishment of a system to record and monitor disciplinary actions, and greater cooperation between bodies involved in responding to abuse.<sup>57</sup>

The report recommended that all safeguarding policies and training materials be reviewed in light of its wide ranging findings in relation to specific Methodist Church practices.<sup>58</sup> These findings covered the impact of abuse on victims and Methodist Church communities, guidelines for working with perpetrators, strategies to make the Methodist Church a safer space free from bullying and harassment, the need for referrals to statutory agencies, improved recruiting practices, and more.

Finally, the report recommended that, where district support was not appropriate or possible, resources should be allocated to implement its recommendations and to support victims.<sup>59</sup>

In response to the report, the then General Secretary of the Methodist Church and Secretary of the Methodist Conference, the Reverend Dr Martyn Atkins, issued an ‘unreserved apology’ to survivors and victims of abuse on behalf of the Methodist Church in the United Kingdom. Reverend Atkins apologised for ‘the failure of [the Church’s] current and earlier processes fully to protect children, young people and adults from physical and sexual abuse’ by ministers and members of the Methodist Church.<sup>60</sup>

## 4.5 Waddington inquiry, Church of England, United Kingdom

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In July 2013, the Archbishop of York commissioned an independent inquiry into alleged child sexual abuse by a former Dean of Manchester Cathedral, Robert Waddington. The inquiry was asked to investigate the Church of England's response 'to the allegations made in 1999 and 2003/04 that Robert Waddington ... had abused a child in the 1960s when he was headmaster of a school in the Diocese of North Queensland, Australia and also a Manchester choirboy in the 1980s when he was Dean of Manchester'.<sup>61</sup>

Robert Waddington (1927–2007) was born in the United Kingdom and ordained in 1953. In 1955, he moved to Australia, where he was appointed chaplain of the Slade School in Queensland. During his time in Australia, he was also a member of the Bush Brotherhood of St Paul. He returned to the United Kingdom briefly in 1959, then was appointed headmaster of St Barnabas Anglican Boarding School, Ravenshoe, in the Diocese of North Queensland, where he remained for 10 years. In 1971, he returned to the United Kingdom. He later became General Secretary of the General Synod Board of Education, and then Dean of Manchester Cathedral, a post he held until he retired to live in York in 1993.<sup>62</sup>

Waddington was the subject of a number of separate allegations relating to the sexual and emotional abuse of a number of boys in both Australia and the United Kingdom from the 1950s to the 1990s. The first complaint was received in 1999, by which time Waddington was already retired. The Anglican Bishop of North Queensland, Bishop Clive Wood, notified the then Archbishop of York, Archbishop David Hope, about the allegation.<sup>63</sup>

The 12-month inquiry, chaired by Judge Sally Cahill QC, was asked:<sup>64</sup>

- to establish what information was known to individuals within the Church of England that suggested that Robert Waddington had committed sexual abuse, and when it became known
- to examine the way in which relevant child protection policies were or were not applied between the years 1999 and 2005 in the handling of information provided to the Diocese of Manchester and the then Archbishop of York, regarding allegations of sexual abuse perpetrated by Robert Waddington.

The results of the final report of the inquiry, *Inquiry into the Church of England's response to child abuse allegations made against Robert Waddington*, were made public in October 2014.<sup>65</sup> It found that between 1995 and 2004, 'irrespective of the [child protection] policies in force there was a systematic failure' with those in senior positions responsible for taking decisions in these matters 'not qualified or sufficiently experienced in child protection'.<sup>66</sup> In addition, the report found that:

From his evidence it is apparent that [the retired Archbishop of York] Lord Hope had struggled with the conflict between his responsibility for the pastoral care of his clergy, and his disciplinary responsibility. Our conclusion having heard his evidence is that his concern for the welfare of Robert Waddington seems to have been paramount in his response to these allegations.<sup>67</sup>

The inquiry was not asked to make recommendations about future policies. However, the report highlighted eight areas which had contributed to the lack of appropriate action, and suggested a more consistent approach to safeguarding policy and practice across the Church of England. The inquiry recommended the following:

1. a national, rather than diocesan-level, approach to child protection<sup>68</sup>
2. the development of national policy, procedure and guidance in relation to child protection with no local variations, and covering both current and historic cases<sup>69</sup>
3. the establishment of a national child protection service or safeguarding service<sup>70</sup>
4. a structured scheme for the working together of two or more dioceses<sup>71</sup>
5. independent decision-makers<sup>72</sup>
6. decision-makers with no pastoral responsibility for the alleged perpetrator<sup>73</sup>
7. national recordkeeping<sup>74</sup>
8. a child protection support group with members who are qualified, experienced and up to date in their practice.<sup>75</sup>

Following the inquiry, the Archbishop of York, Dr John Sentamu, apologised to Robert Waddington's victims, stating that:

Any act of abuse committed by someone in authority in the church is a matter for shame and requires deep repentance ... Those who trusted us in this only to be grievously wounded deserve not only our wholehearted apology but also the assurance we will keep a watchful eagle's eye and act swiftly.<sup>76</sup>

## 4.6 Charity Commission Inquiry, Jehovah's Witnesses, United Kingdom

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In 2014, the Charity Commission for England and Wales (Charity Commission) opened a statutory inquiry into the Manchester New Moston Congregation of Jehovah's Witnesses (Congregation), a registered charity whose trustees are elders. In the context of safeguarding issues, the Charity Commission has a specific regulatory role focused on the conduct of trustees in managing and administering charities, and the steps trustees take to protect the charity and its beneficiaries.<sup>77</sup>

The Charity Commission launched the inquiry after learning that criminal proceedings were underway, relating to historic allegations of child sexual abuse against an elder (and trustee) of the Congregation. These proceedings resulted in a conviction, in October 2013, on two counts of indecent assault. The perpetrator was sentenced to nine months' imprisonment. The conviction related to offences which occurred around 2002, before he was appointed as an elder and trustee.<sup>78</sup>

The scope of the inquiry included investigation of the Congregation's handling of safeguarding matters, including its safeguarding policies, procedures and practices; how it dealt with risks; and its administration, governance and management by its trustees. The inquiry examined how the Congregation dealt with the allegations of child sexual abuse made against the perpetrator in 2012, and the Congregation's response following his subsequent conviction. It also examined how the Congregation dealt with complaints about its handling of an earlier allegation of child sexual abuse made against the elder in 1993, and with the risks posed by the perpetrator during the criminal proceedings and following his release from prison in 2014.<sup>79</sup>

The Charity Commission published the *Manchester New Moston Congregation of Jehovah's Witnesses: Inquiry report* on 26 July 2017.<sup>80</sup> The Charity Commission concluded that the Congregation's trustees did not deal adequately with allegations of child sexual abuse against the elder in 2012 and 2013. In particular, the Charity Commission found that the Congregation had failed to adequately identify when child sexual abuse had taken place, had not properly taken into account earlier allegations of child sexual abuse made against the accused elder, had failed to fully enforce restrictions on the accused elder following the accusation but prior to the conviction, had not considered and dealt with potential conflicts of loyalty within the trustee body, and had not kept adequate written records of relevant decisions and risks posed by the elder.<sup>81</sup>

In addition, the Charity Commission found that the Congregation's internal judicial and appeal processes for 'disfellowshipping' the accused elder were problematic. The victims had been required to attend this process in person and repeat their allegations in his presence, and he was permitted to question them.<sup>82</sup>

The Charity Commission welcomed changes to the Congregation's policies and procedures which had occurred in 2016 and 2017, including amendments to make clear that victims of child sexual abuse are not required to make their allegations in the presence of an alleged abuser.<sup>83</sup>

## 4.7 Elliott Review, Church of England, United Kingdom

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In September 2015, the Church of England's National Safeguarding Adviser and the Diocese of London commissioned a review, the Elliott Review, of allegations of child sexual abuse committed by senior figures in the Church of England against 'Survivor B', decades before.<sup>84</sup> The Churches' Child Protection Advisory Service engaged Ian Elliott, a safeguarding consultant, to independently examine the case.<sup>85</sup> The report, titled *Elliott Review findings*, was published in March 2016 and was received by the Bishop of Crediton, Dame Sarah Mullally, at the request of 'Survivor B'.<sup>86</sup>

In an interview with *The Guardian*, 'Survivor B' described being groomed from the age of 15 by Garth Moore (referred to as 'Rev A' in the Elliott Review), who was the chancellor of three dioceses and vicar of St Mary Abchurch in the City of London. 'Survivor B' alleged that in 1976, at the age of 16, he had been sexually abused by Moore.<sup>87</sup> 'Survivor B' told the Elliott Review that he had disclosed this abuse, and to two other allegations of abuse, to a number of different people on separate occasions, both within and outside the Church.<sup>88</sup>

The Elliott Review found 'Survivor B's' allegations of abuse to be credible and that this amounted to a 'tragic catalogue of exploitation and harm'.<sup>89</sup> It found that the 'many attempts made by 'B' to secure help from the Church within which he had grown up, resulted in frustration and failure'.<sup>90</sup>

The report concluded that the Church of England had existing policies for responding to disclosures of abuse, but these had not been followed, in part to protect the financial interests of the Church of England. In particular, the Elliott Review concluded that the Church of England had failed to record disclosures of abuse.<sup>91</sup>

The Elliott Review recommended an independent oversight body within the Church of England to have the power to intervene and seek policy and protocol change when necessary. The Elliott Review called for the Church of England to ensure that policies were complied with by everyone in the church.<sup>92</sup>

The Elliott Review also recommended that training should be provided to those who may receive a disclosure of abuse. The Elliott Review also recommended more thorough recordkeeping in relation to disclosures, and the development of formal guidance for responding to disclosures of abuse. The Elliott Review concluded that, 'A first response to a survivor of abuse within the Church should be the issuing of an apology'.<sup>93</sup>

On 15 March 2016 the Bishop of Crediton, Dame Sarah Mullally, responded to the findings of the Elliott Review. In her response she apologised to 'Survivor B' and acknowledged the failures of the Church of England to respond adequately:



I apologise profusely for the failings of the Church towards [‘Survivor B’], and for the horrific abuse he suffered. It has taken him years of heartache and distress to get his story heard and believed by those in authority and it is clear he has been failed in many ways over a long period of time. We should have been swifter to listen, to believe and to act ...<sup>94</sup>

On 31 March 2017, The Church of England’s National Safeguarding Team published a progress report.<sup>95</sup> According to this report, in response to the Elliott Review recommendations, the Church of England was in the process of introducing training in handling disclosures, was conducting an independent audit of safeguarding in all dioceses (to be completed at the end of 2017), and had made further plans to work more closely with survivors to learn from their experiences.<sup>96</sup>

## 4.8 Gibb review, Church of England, United Kingdom

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In October 2015 the Archbishop of Canterbury, Archbishop Justin Welby, commissioned an independent inquiry into complaints of physical and sexual abuse of boys and young men by the former Bishop of Gloucester, Peter Ball. In February 2016, Archbishop Welby appointed Dame Moira Gibb to lead the review.<sup>97</sup>

The review considered multiple complaints made in 1992 about Ball’s conduct while he was Bishop of Gloucester and also during his time as a member of various religious communities.<sup>98</sup> The review considered the Church of England’s response to those complaints and its involvement in the police investigation, including a decision to respond to allegations of abuse by way of a police caution.<sup>99</sup> The review also considered Ball’s subsequent return to good standing in the church following his resignation in 1993.<sup>100</sup> Ball was ultimately convicted and imprisoned in 2015.<sup>101</sup>

The report of the review, titled *An abuse of faith: The Independent Peter Ball Review*, was published in June 2017.<sup>102</sup> The report described Ball as a ‘man with charisma and a powerful orator’ and a ‘manipulator and a master of self-deceit’.<sup>103</sup> The report was critical of Lord Carey, a former Archbishop of Canterbury, and found that he was significantly involved in the failure to ensure that complaints were followed up or passed to police; the failure to discipline Ball under the Church of England’s statutes; the decision not to include Ball on ‘the Lambeth and Bishopthorpe List’ (a register of people deemed unsuitable for ministry); and in enabling Ball to return to ministry.<sup>104</sup> The report was also critical of the manner in which the complaints were handled, identifying an emphasis ‘on protecting the Church rather than unearthing abuse or ministering to those who may have been mistreated’.<sup>105</sup> The report noted that:

Some of the most senior clergymen in the country were dealing with this – we have identified nine bishops and an archbishop who were involved ... Yet serious concerns about an abuse of power and privilege were not adequately investigated, and matters which might constitute allegations of a crime were not passed to police.<sup>106</sup>

The inquiry's terms of reference required it to learn lessons and make recommendations.<sup>107</sup> The report contained 11 recommendations, including that:<sup>108</sup>

- 'The House of Bishops should reaffirm and take steps to demonstrate the individual and collective accountability of bishops for the safety and protection of everyone within the Church.'
- 'The Church should ensure that the responsibility for delivering robust and reliable safeguarding arrangements is clearly located in the dioceses.'
- 'The Church should:
  - a) establish clear specifications and minimum national standards for the safeguarding services that dioceses should provide, taking account of the issues identified in this review;
  - b) support the dioceses to evaluate the resources required to meet those standards;
  - c) review and enhance as necessary the arrangements for supporting the Lead Bishop for safeguarding.'

At a press conference held at the time of the report's publication, Bishop Peter Hancock, Bishop of Bath and Wells and Lead Bishop for Safeguarding, responded by stating:

I am truly sorry that as a Church we failed the survivors of the abuse perpetrated by Bishop Peter Ball. Having read the report I am appalled and deeply disturbed by its contents. As Dame Moira says in her foreword, Peter Ball abused boys and men over a 20 year period and as a Church we colluded, we failed to act and protect those who came forward for help. There are no excuses.<sup>109</sup>

Bishop Hancock drew attention to the report's comments about how the structure of the Church of England presented a barrier to change. Further, he noted that safeguarding is everyone's responsibility.<sup>110</sup> Bishop Hancock stated:

In receiving this Report the Archbishop has already accepted its recommendations and we will be taking specific action to address them. This includes strengthening guidance; reviewing the Archbishops' Lists and the effectiveness of our disciplinary measures with regards to safeguarding related cases; focusing on getting the right support in place for survivors and working with all parts of the Church, including Religious Communities.<sup>111</sup>

## 4.9 Conclusions about overseas inquiries

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In contrast to the significant number of overseas inquiries regarding child sexual abuse in the Catholic Church discussed in Chapter 3, few overseas inquiries have considered child sexual abuse in institutions managed by religious organisations other than the Catholic Church. While some of these inquiries examined systemic issues arising from individual cases of child sexual abuse, others considered large numbers of complaints or allegations of sexual, physical and other forms of abuse extending over many decades. The inquiries revealed child sexual abuse by people in religious ministry as well as lay people connected with religious institutions. Three inquiries highlighted the experiences of particular groups, including children from Canadian Indigenous communities who were abused in residential schools, and children who were abused in the context of missionary organisations in various countries.

While a relatively small number of inquiries have been conducted, they indicate some common issues that have arisen in relation to child sexual abuse in religious institutions in a number of countries worldwide, including some consistent patterns in responses across different religious organisations. These include:

- instances where senior officials and leaders of religious institutions knew of allegations of child sexual abuse but failed to take effective action
- failures to report alleged perpetrators to civil authorities, with institutions instead dealing with complaints and allegations of child sexual abuse ‘in-house’
- an absence of adequate policies and procedures on preventing and responding to child sexual abuse, or failures to follow policies and procedures where they existed
- lack of supervision of staff and limited accountability of alleged perpetrators and people responsible for responding to allegations within religious institutions
- prioritising the interests of the organisation or the alleged perpetrator over the needs of victims and survivors of child sexual abuse.

Many of these themes have been reflected in our case studies which considered the responses of religious institutions in Australia to child sexual abuse. These are discussed further in Part D, ‘Institutional responses to child sexual abuse in religious institutions’.

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# 5 Australian inquiries relating to child sexual abuse in religious institutions

This chapter provides an overview of previous Australian inquiries which have considered issues relating to child sexual abuse in religious institutions. These inquiries, conducted by various public bodies from 1995 onwards, have revealed a high number of allegations of child sexual abuse in religious institutions across Australia. The reports of these inquiries include the following:

- *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Bringing them home)*<sup>1</sup>
- *Royal Commission into the New South Wales Police Service final report (Wood Royal Commission)*<sup>2</sup>
- *Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde inquiry)*<sup>3</sup>
- *Lost Innocents: Righting the record – Report on child migration (Lost Innocents Senate inquiry)*<sup>4</sup>
- *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children (Forgotten Australians Senate inquiry)*<sup>5</sup>
- *Report of the Protecting Victoria’s Vulnerable Children Inquiry (Cummins inquiry)*<sup>6</sup>
- *Betrayal of trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations (Victorian parliamentary inquiry)*<sup>7</sup>
- *Special Commission of Inquiry into Matters Relating to the Police Investigation of Certain Child Sexual Abuse Allegations in the Catholic Diocese of Maitland-Newcastle: Report (Special Commission of Inquiry)*.<sup>8</sup>

## 5.1 *Bringing them home*

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In May 1995, the Australian Government established an inquiry into the forced separation of Aboriginal and Torres Strait Islander children from their families.<sup>9</sup> In May 1997, *Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Bringing them home report)*, was tabled in the Australian Parliament.

The terms of reference of the inquiry did not specifically address child sexual abuse in institutional settings. The inquiry was, among other things, given the task of:<sup>10</sup>

- tracing past laws, practices and policies which resulted in the separation of Aboriginal and Torres Strait Islander children, and their effects
- examining current laws, practices and policies with respect to the placement and care of Aboriginal and Torres Strait Islander children and advising on any changes required.

It concluded that, although the exact number of children forcibly removed since colonisation is unknown, 'most families have been affected, in one or more generations'.<sup>11</sup> These children were referred to as the Stolen Generations.

The inquiry heard evidence both orally and in writing from 535 Aboriginal and Torres Strait Islander people about their experiences of removal.<sup>12</sup> Grief and loss were the predominant themes.<sup>13</sup> The overwhelming majority of children were forcibly removed under assimilationist legislation and policies.<sup>14</sup> The inquiry concluded, 'with certainty', that the principal aim of these policies, while often used to protect and 'preserve' individual children, was to eliminate Indigenous cultures.<sup>15</sup> The inquiry concluded that 'when a child was forcibly removed that child's entire community lost, often permanently, its chance to perpetuate itself in that child. The inquiry has concluded that this was a primary objective of forcible removals and is the reason they amount to genocide'.<sup>16</sup>

The inquiry found that 'almost one in ten boys and just over one in ten girls allege they were sexually abused in a children's institution',<sup>17</sup> while 'one in ten boys and three in ten girls allege they were sexually abused in a foster placement or placements'.<sup>18</sup> Our commissioned research suggests that this is likely to be an underestimate of the numbers.<sup>19</sup> The inquiry 'noted that witnesses were not asked whether they had had this experience and that there are many reasons, personal and procedural, for deciding against volunteering the information'.<sup>20</sup> The report also outlined the harsh conditions in residential institutions and the abuse of power by authorities in these institutions. Almost one in five witnesses who spent time in an institution reported being physically assaulted.<sup>21</sup>

The inquiry, which held extensive consultations across Australia with government and church representatives and with foster and adoptive families, did not focus on the specific religious organisations that managed residential institutions where Aboriginal and Torres Strait Islander children were placed. However, a number of the residential institutions considered by the inquiry were managed by religious organisations, including the Catholic, Anglican, Presbyterian, Lutheran, and Uniting churches, and The Salvation Army.

The inquiry made 54 recommendations. Key recommendations included 'that reparation be made to Indigenous people affected by policies of forced removal',<sup>22</sup> and that 'an acknowledgement of responsibility and apology from all Australian parliaments, police forces, churches and other non-government agencies which implemented policies of forcible removal'.<sup>23</sup>

Since 1997, all state and territory governments have 'passed motions that included an explicit apology for the forced separation of children'.<sup>24</sup> Many non-government organisations and churches apologised or signed more than 400 Sorry Books. In February 2008, the Australian Prime Minister, Kevin Rudd, publicly apologised to those who were forcibly removed.<sup>25</sup>

## 5.2 Wood Royal Commission

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In May 1994, the Royal Commission into the New South Wales Police Service (the Wood Royal Commission) was established by the New South Wales Government to investigate the existence and extent of corruption within the NSW Police.<sup>26</sup> Subsequently, in December 1994, the scope of the Royal Commission was expanded to include the protection of paedophiles by the NSW Police.<sup>27</sup> The Royal Commission was headed by Justice James Wood, who delivered its final report in 1997. The Royal Commission's preliminary investigations suggested that there had been a 'substantial incidence' of child sexual abuse by clergy, members of religious orders, and other religious personnel 'in and around Churches or institutions associated with or conducted by Churches or religious bodies including schools, residential homes, youth and fellowship groups and the like'. It appeared to the Wood Royal Commission that, in many cases, investigations and prosecutions by police had been suppressed or discontinued, or had failed in circumstances that suggested either protection or failure on the part of the official agencies involved.<sup>28</sup>

The Wood Royal Commission made a further finding that not only had there been an absence of protocols, guidelines, or lines of communication to police concerning how allegations would be managed, but also that there had been a history of ignorance of the issue of child sexual abuse and a pattern of denial of allegations when they were raised.<sup>29</sup>

The Wood Royal Commission focused mainly on the Catholic Church, but also considered child sexual abuse in the Anglican Church, the Uniting Church in Australia, the Presbyterian Church and The Salvation Army. It documented the following issues: the emergence of abuse within the churches; their response to allegations of abuse, including denial, minimisation and avoidance; their perception of child sexual abuse as sin or moral failure; their defence of reputation; their use of euphemisms; 'Christian isolationism' in the form of in-house investigations, and a reluctance to report allegations of sexual abuse to the police, but rather to deal with them in-house; confidentiality; and celibacy.<sup>30</sup>

The Wood Royal Commission undertook three case studies into child sexual abuse occurring in churches. The first concerned an Anglican minister who had a sexual relationship with an underage girl between 1979 and 1983, beginning when she was 14 years old.<sup>31</sup>

The other two case studies considered the response of the Catholic Church to allegations of child sexual abuse. One involved a Christian Brother, given the pseudonym X11, who had made admissions of child sexual abuse in 1984 to the principal of the school where he was a teacher. X11 told the Wood Royal Commission that he had sexually abused up to 20 boys. He had been sent for treatment overseas.<sup>32</sup> On his return to Australia he had received therapy in another state, including sessions with a psychiatrist, a psychotherapist and a spiritual director and in a group setting, all of which was paid for by the Christian Brothers.<sup>33</sup> At the time of the Wood Royal Commission, X11 was under police investigation.<sup>34</sup> The final case study involved Christian Brother Michael Evans and Father Peter Comensoli of the Diocese of Wollongong.

The Wood Royal Commission outlined protocols for dealing with allegations of sexual abuse within a number of churches, including the processes for sending offenders to treatment,<sup>35</sup> and concluded that:

the development of the various protocols by the Churches mentioned, and the revision of past inappropriate procedures, is highly encouraging. It will, however, remain important for the Churches to recognise the serious criminality involved in child sexual abuse, and to ensure that prompt police intervention is made possible. It is simply impermissible for the Churches to deal with offending priests or members of the clergy privately, or in a way that may allow them to continue to offend.<sup>36</sup>

The report noted of all churches that their tardiness in addressing the issue of child sexual abuse was motivated by institutional inertia or fear of public scandal and civil liability. The report offered several reasons for the tardiness of the churches:<sup>37</sup>

- ‘ignorance of matters of sexuality, and lack of any ability, particularly by older members of the clergy, to comprehend or accept the fact of sexual indiscretion by their brethren
- ignorance of the fact that paedophile activity is strongly compulsive and recidivist in nature, and that it is impossible to dismiss an apparent indiscretion as a one-off event
- confusion over loyalty to the church and the church community
- confusion between forgiveness and trust towards offenders, and the duties of protection owed to the wider community, and ignorance concerning the limits of counselling
- concern to avoid or limit legal liability to protect the church, which led to an adversarial approach ... rather than a response based on pastoral concern
- confusion about the limits of confidentiality concerning matters disclosed, or learned outside the confessional; and
- uncertainty as to the appropriate response where the complainant does not wish the matter to proceed to police action.’

The Wood Royal Commission did not make any direct recommendations to religious institutions, apart from ‘encouraging the churches to adopt procedures which promote and facilitate police investigation of child sexual abuse’.<sup>38</sup>

### 5.3 Forde inquiry

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In 1998, the Queensland Minister for Families, Youth and Community Care established a commission of inquiry to examine whether there had been any abuse, neglect or mistreatment of children in Queensland institutions. The commission was headed by former Governor of Queensland, Leneen Forde AC, and covered the period 1911 to 1999.

The Commission of Inquiry into Abuse of Children in Queensland Institutions (the Forde inquiry), revealed that between 1911 and 1999 many children in Queensland institutions experienced emotional, physical and sexual abuse. The inquiry found ‘incidents of gross excesses in physical abuse in many institutions, beyond any acceptable boundary in any period’, and complaints of sexual assault, perpetrated either by staff or other residents, or by visitors to the institution, emerged from almost all the institutions under consideration.<sup>39</sup>

The Forde inquiry identified allegations of abuse of children in 159 institutions, including 62 religious institutions.<sup>40</sup> Of these, abuse was reported to have occurred in 15 Catholic Church institutions, 12 Anglican Church institutions, 11 Salvation Army institutions, and others operated by the Baptist Church, Churches of Christ, Congregational Church, Lutheran Church, Methodist Church, Open Brethren, Presbyterian Church, and Uniting Church.<sup>41</sup> The inquiry found that ‘complaints of sexual abuse, perpetrated either by other residents, by staff, or by visitors to the institution, emerged from almost all of the institutions under consideration’.<sup>42</sup> In relation to the protection of children and response to complaints of child sexual abuse, the inquiry report concluded that:

What has emerged very strongly from evidence to the Inquiry is that there was a failure to recognise the risk of abuse of children, a failure to treat children with sufficient respect to ensure their feeling able to complain, and a failure to give complaints sufficient credence. The last permeated most of the institutions under consideration here. Those who did complain were not believed by workers, priests or police.<sup>43</sup>

The Forde inquiry considered the question: ‘How was it that numbers of children, while under the guardianship of the State and in the care of some of our most esteemed denominational bodies, were able to be abused?’<sup>44</sup> The inquiry identified several factors that contributed to an abusive environment in these institutions. Elements particularly evident in religious institutions included overcrowding and under-funding; a reliance on unqualified volunteers; a culture of intimidation brought on by church hierarchy and perceptions of priests’ superiority; and a sense of powerlessness fostered within the children. Inadequate staff training, isolated and closed institutions; an absence of standards, procedures and monitoring systems; and a culture of secrecy were also cited as causal influences more generally.<sup>45</sup> The report stated that ignorance had also played a role:

both the [Queensland Families, Youth and Community Care] Department and society in general believed that if children were in the care of trusted religious organisations or ‘good upstanding citizens’, they would be safe. There was also the lack of awareness or belief that sexual abuse could occur.<sup>46</sup>

The Forde inquiry advised the government and religious institutions to ‘enter into a restorative process with survivors to redress the harm done’.<sup>47</sup> It stated that institutions must become accountable for the damage inflicted on children and engage survivors in designing a redress process which included an independent source of advice for victims.

The Forde inquiry recommended that the Queensland Government and responsible religious authorities issue a formal statement acknowledging and apologising for the significant harm done to victims, and commit to preventing further abuse.<sup>48</sup> The Queensland Government and church and agency leaders responded with a joint apology in August 1999. Their statement acknowledged that ‘there have been failures with respect to the children entrusted to our care, despite all the good the Institutions did in the light of their day’. The statement went on to ‘sincerely apologise to all those people who suffered in any way while resident in our facilities’ and affirmed their commitment to ‘establishing and continuing dialogue with victims of abuse’.<sup>49</sup> Criticisms of the first release of the statement led to the apology being reissued to former residents in April 2000.<sup>50</sup>

## 5.4 *Lost Innocents* Senate inquiry

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On 20 June 2000, the matter of child migration was referred to the Australian Senate Standing Committee on Community Affairs for inquiry and report.<sup>51</sup> The *Lost Innocents* Senate inquiry looked into child migration to Australia under approved schemes during the 20<sup>th</sup> century. Its final report, *Lost Innocents: Righting the record – Report on child migration (Lost Innocents report)*, was delivered to the Senate on 30 August 2001.<sup>52</sup>

The *Lost Innocents* Senate inquiry was triggered by a growing acknowledgment and awareness in the late 1980s and 1990s of the experience of children from Britain and Malta under the British child migrant scheme.<sup>53</sup> The *Lost Innocents* report noted that the best estimate for the number of child migrants sent to Australia is around 6,000 to 7,500.<sup>54</sup> The Senate inquiry heard that children were received by government and non-government institutions,<sup>55</sup> including institutions run by the Catholic Church, the Church of England, the Methodist and Presbyterian Churches and The Salvation Army.

The bulk of Catholic Church child migrants arrived in the late 1940s and early 1950s.<sup>56</sup> Over half of the children sent to Catholic Church run homes went into the care of the Christian Brothers (52 per cent), 20 per cent to the Sisters of Mercy, and 13 per cent to the Poor Sisters of Nazareth.<sup>57</sup> Child migrants were also placed with the Sisters of St Joseph, the Daughters of Charity, the Marist Brothers and the Salesians of Don Bosco.<sup>58</sup>

The Catholic Church’s involvement in child migration commenced in the 1920s. In 1938, after extensive negotiations between British and Australian church representatives and the Australian, Western Australian and British governments, the Christian Brothers in Western Australia became the first Catholic religious order to receive child migrants.<sup>59</sup> In Western Australia, the four children’s residential homes operated by the Christian Brothers were St Vincent’s Orphanage, Clontarf; St Mary’s Agricultural School, Tardun; Castledare Junior Orphanage; and Bindoon Farm School.

Like the Catholic Church, the Church of England in Australia became involved in child migration in the 1920s. Following negotiations with the Australian Government, from 1947 the Church of England took British child migrants into a number of their homes,<sup>60</sup> including the Swan Homes and Padbury Boys' Farm School in Western Australia, Church of England Boys' and Girls' Home in New South Wales, Burton Hall Training Farm and St John's Home in Victoria, Clarendon Children's Home in Tasmania, and St George's Children's Home in Queensland.<sup>61</sup>

In the 1920s The Salvation Army operated a migration scheme to assist poor British youths aged 14 to 19 years primarily through migration to Canada and Australia.<sup>62</sup> The scheme guaranteed work on farms in Australia, and the majority of child migrants were sent to Queensland to the Riverview Training Farm.<sup>63</sup> Following World War II, The Salvation Army arranged for a number of British children to be sent to Bexley Boys' Home and Arncliffe Girls' Home in New South Wales.<sup>64</sup> The Salvation Army also operated Canowindra Girls' Home and Goulburn Boys' Home in New South Wales, and 'Seaforth' Home in Western Australia.<sup>65</sup>

The Methodist Church became involved in child migration in 1938–39, when a small number of British child migrants were sent to the Northcote Farm School.<sup>66</sup> Between 1950 and 1954 the Methodist Church again received child migrants into their institutional homes, including the Methodist Home for Children, Dalmar, in New South Wales; the Methodist Home in Victoria; the Methodist Children's Home in South Australia; and the Methodist Girls' Homes, Mofflyn, in Western Australia.<sup>67</sup>

The Presbyterian Church had minimal involvement in child migration. Dhurringile Training Farm in Victoria received boys sent by the Church of Scotland in 1950, and continued to care for children until its closure in 1964.<sup>68</sup> The Presbyterian Church also operated the Burnside Presbyterian Orphan Home in New South Wales.<sup>69</sup>

The *Lost Innocents* Senate inquiry received 207 public and confidential submissions from individual child migrants, of which 38 recounted instances of sexual abuse. Two-thirds of these (24) related to institutions operated by the Christian Brothers in Western Australia. Of the other 14 reports, 10 named other institutions, although some incidents had occurred outside the institution. All but four of the 38 reports of child sexual abuse occurred between 1947 and 1963.<sup>70</sup> The *Lost Innocents* report described:

The stories from the ex-residents of Bindoon, Castledare, Clontarf, and Tardun provide an account of systemic criminal sexual assault and predatory behaviour by a large number of the Brothers over a considerable period of time. Evidence was given of boys being abused in many ways for the sexual gratification of the Brothers, of boys being terrified in bed at night as Brothers stalked the dormitories to come and take children to their rooms, of boys as 'pets' of the Brothers being repeatedly sodomised, and of boys being pressured into bestial acts.<sup>71</sup>



The report noted that allegations of child sexual abuse against religious and clergy were not believed or rarely investigated by provincials or superiors, or the police. The ‘powerful aura of the clergy was fundamental’ in explaining this inaction, as was the protection of the ‘reputation of the institution and prestige of the Church’.<sup>72</sup>

The report also pointed to the unsuitability of staff. The least qualified members of the orders were placed in charge of the homes, including those who were ageing, ‘difficult’, or ‘mentally unstable’.<sup>73</sup> Religious brothers were placed in charge of small boys, ‘a role for which they had neither training nor aptitude’.<sup>74</sup>

The *Lost Innocents* Senate inquiry pointed to the difficulties child migrants experienced when seeking criminal prosecution of and civil action against perpetrators and the Church authorities, including the specific example of criminal and civil action taken against the Christian Brothers in 1993.

The *Lost Innocents* Senate inquiry recommended that British and Maltese Former Child Migrants be treated equally in their access to services currently provided or recommended in the report.<sup>75</sup> Recommendations were directed mainly towards the Australian Government and related to the funding and provision of services to Former Child Migrants; citizenship; the statute of limitations; and the maintenance of, access to and sharing of records with Former Child Migrants and their descendants.<sup>76</sup> In particular, the Senate inquiry recommended that all organisations holding records in relation to Former Child Migrants should make those records ‘available to former child migrants or their authorised representative immediately and unconditionally’.<sup>77</sup> The report recommended that any organisation holding primary documents, including birth certificates, relating to any living Former Child Migrant should ensure that any child migrant was entitled to recover those documents from the holding organisation;<sup>78</sup> and that all sending and receiving agencies should be required to extend access to their records to descendants of Former Child Migrants.<sup>79</sup> The Senate inquiry recommended that the Australian Government, and all state and receiving agencies that had not already done so, should issue formal statements with regard to their respective roles in the child migration schemes.<sup>80</sup> The Senate inquiry further recommended that a suitable memorial, funded by the Australian and state governments, in conjunction with receiving agencies, should be erected to commemorate Former Child Migrants.<sup>81</sup>

In 2009, then Prime Minister Kevin Rudd delivered a national apology to both Forgotten Australians and Former Child Migrants.<sup>82</sup> This was followed, in 2010, by a public apology to Former Child Migrants by the then British Prime Minister, Gordon Brown.<sup>83</sup> On 12 March 2015, the Independent Inquiry into Child Sexual Abuse in England and Wales (UK Child Abuse Inquiry) was established by the United Kingdom Government to consider the extent to which state and non-state institutions had failed in their duty to protect children from sexual abuse and exploitation.<sup>84</sup> In 2017, the UK Child Abuse Inquiry commenced its public hearings on the sexual abuse of children in the British child migration programs.<sup>85</sup> The inquiry heard evidence from a number of institutions based in England and Wales about whether these institutions had taken sufficient care to protect children they sent or placed abroad, including to Australia, from sexual abuse.<sup>86</sup> The inquiry heard evidence from witnesses on behalf of the Catholic Church and The Salvation Army.<sup>87</sup>

## 5.5 *Forgotten Australians* Senate inquiry

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On 4 March 2003, the Australian Senate referred for inquiry by the Senate Community Affairs References Committee a set of matters concerning the treatment of children in out-of-home care in Australia.<sup>88</sup> The *Forgotten Australians* Senate inquiry examined both government and non-government institutions and focused primarily on children in out-of-home care between the 1920s and the 1970s.<sup>89</sup> The *Forgotten Australians* Senate inquiry delivered its final report to Parliament in August 2004. That report, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children* (*Forgotten Australians* report), identified abuse in institutions managed by all care providers, including government, the Catholic Church, the Anglican Church, The Salvation Army, and the Uniting Church. The report identified 889 incidents of abuse against former residents, of which 189 (20.9 per cent) were sexual.<sup>90</sup>

The *Forgotten Australians* report noted that ‘the Churches, religious orders and agencies have adopted varying approaches, usually from reticence to denial, towards accepting responsibility for conditions in institutions and acknowledging past abuse’.<sup>91</sup> In addition, the report observed that, when it came to compensating victims, churches used their ‘considerable financial resources to thwart cases going to judgement’.<sup>92</sup>

The *Forgotten Australians* report noted that a number of religious institutions had made formal apologies and statements of regret acknowledging the abuse of children in their care.<sup>93</sup> However, the *Forgotten Australians* Senate inquiry had received submissions that the acknowledgements and apologies issued by state governments and by churches and agencies were inadequate.<sup>94</sup> The Senate inquiry recommended that ‘all State Governments and Churches and agencies, that have not already done so, issue formal statements acknowledging their role in the administration of institutional care arrangements; and apologising for the physical, psychological and social harm caused to the children’.<sup>95</sup> The Senate inquiry emphasised the need for acknowledgments to be accompanied by other positive measures recommended in the report, to ensure they were not regarded as ‘empty gestures’.<sup>96</sup>

The *Forgotten Australians* report emphasised the impact that institutions’ internal complaints procedures have on the reconciliation and healing process for victims. The Senate inquiry found that many religious institutions had poor procedures in place and failed to satisfactorily assist victims.<sup>97</sup>

The *Forgotten Australians* Senate inquiry recommended that churches and their agencies should develop consistent internal complaints procedures, including a redress scheme that included informal, reconciliation-type processes, operated by independent personnel; provision of support and other services as part of compensation and remuneration packages (including monetary compensation); and improvements to internal review procedures. The Senate inquiry also recommended that confidentiality clauses should not be imposed on complainants, and that information on internal complaints procedures should be made publically available.<sup>98</sup>

The *Forgotten Australians* Senate inquiry also recommended that the Australian Government should seek a means to require all charitable and church-run institutions and out-of-home care facilities to open their files and premises and provide full cooperation to authorities to investigate the nature, extent and concealment of abuse against children in their care. The Senate inquiry recommended that, in the event that full cooperation were not received, the Australian Government should consider establishing a Royal Commission into state, charitable and church-run institutions and out-of-home care during the last century.<sup>99</sup>

In a bid to increase the transparency of church and agency related abuse allegations, the *Forgotten Australians* Senate inquiry advised churches and their agencies to regularly publish comprehensive data on all complaints of abuse.<sup>100</sup>

### 5.5.1 Catholic Church

The *Forgotten Australians* Senate inquiry observed that the Catholic Church had favoured care of children in institutional settings over care in foster homes, 'for it was a way of imbuing the children with religion'.<sup>101</sup> The first Catholic orphanage in Australia was established in 1836, moving to larger premises in Parramatta in 1844.<sup>102</sup> By the 1860s, Catholic Church orphanages operated in all the capital cities and in regional centres across Australia.<sup>103</sup> From the 1840s to 1890s, Catholic Church homes were established for Indigenous children, mainly in Western Australia and the Northern Territory.<sup>104</sup> In New South Wales, Catholic Church orphanages included Mater Dei, Narellan and Sydney's Tempe Home. In Victoria, the Convent of the Good Shepherd, Abbotsford, and St Augustine's, Geelong were run by Catholic religious congregations.<sup>105</sup> In Western Australia the Christian Brothers, Sisters of Mercy and Sisters of Nazareth ran children's orphanages. In Tasmania the Sisters of the Good Shepherd established Mount St Canice Home for women and girls.<sup>106</sup>

The Senate inquiry noted that in Catholic Church homes, isolation was often exacerbated by the employment of members of the religious congregation to the exclusion of 'outsiders'.<sup>107</sup> This resulted in:

a very closed community with very few external influences being allowed. There was an excessive trust in the 'goodness' of the religious administering homes and they were allowed to operate virtually without question.<sup>108</sup>

In relation to institutions run by the Catholic Church, the *Forgotten Australians* Senate inquiry also observed a 'pattern of concealment and collusion between authorities'. By way of example, in the case of St Joseph's Orphanage, Neerkol, which was operated by the Sisters of Mercy, the report comments that 'It is evident that the Catholic Church and the State Government have known of the various forms of abuse that occurred in the orphanage'.<sup>109</sup> The Senate inquiry was critical of the apology offered by the Christian Brothers for the physical and sexual abuse of children in their homes, commenting that it was 'disappointed that some State Governments and Churches and agencies appear unable to acknowledge past wrongs in an unequivocal way'.<sup>110</sup> The Senate inquiry received evidence suggesting that perpetrators were moved between Catholic Church institutions.<sup>111</sup>

## 5.5.2 The Salvation Army

The *Forgotten Australians* Senate inquiry heard evidence of physical, sexual and emotional abuse of children in Salvation Army institutions, and received submissions that referred to 22 of its homes.<sup>112</sup> One former resident told the Senate inquiry: ‘While at Bayswater I was abused sexually by an officer, and thought by now this was the normal thing for us boys to endure’.<sup>113</sup> The report identified a pattern of paedophiles targeting children who did not receive visitors. For example, a former resident at The Salvation Army’s Box Hill orphanage told the Senate inquiry that paedophiles singled out ‘the ones they know never get visits because they know that the other kids will talk to their parents’.<sup>114</sup>

The *Forgotten Australians* Senate inquiry regarded The Salvation Army as having been reluctant to acknowledge the nature and extent of abuse inflicted on former residents within their institutions.<sup>115</sup> In its submission to the inquiry, The Salvation Army acknowledged that there were instances of ‘unsafe, improper or unlawful care or treatment’, but said that ‘such occurrences have been relatively rare and not endemic to our services’.<sup>116</sup> However, the inquiry noted that the ‘overwhelming majority’ of submissions from ex-residents of Salvation Army institutions in Australia reported negative experiences while in their care, including extreme forms of physical, sexual and emotional abuse.<sup>117</sup>

The *Forgotten Australians* Senate inquiry acknowledged that Salvation Army protocols for managing complaints of abuse, including child sexual abuse, were nationally consistent. It observed that many ex-residents would not pursue compensation through various religious institutions’ internal processes because of past negative experiences as children in institutions.<sup>118</sup> The Salvation Army stated that only 19 former residents had reported sexual abuse by Salvation Army officers or employees for the period 1950 to 1979.<sup>119</sup>

The *Forgotten Australians* Senate inquiry heard that The Salvation Army provided ex-residents with services such as the provision of external counselling, pastoral care, and ongoing medical expenses, as well as reimbursement of medical expenses and past counselling services, and contributions to legal expenses.<sup>120</sup> However, some ex-residents reported difficulty in accessing support and other services.<sup>121</sup>

The Salvation Army had issued formal apologies in the past: in response to a 2003 ABC Four Corners program; in 2004 to former residents of the Riverview home in Queensland; and to individuals who came forward with abuse allegations. However, a number of submissions to the *Forgotten Australians* Senate inquiry said these apologies had been conditional and failed to fully acknowledge past practices.<sup>122</sup>

### 5.5.3 Anglican Church

The Anglican Church began operating children's homes across Australia from around 1890.<sup>123</sup> These homes included the Church of England boys' and girls' homes in New South Wales; the Home of the Good Shepherd, St George's Homes for Children and Tufnell Homes in Queensland; St Mary's in Alice Springs; Adelaide's Orphan Home (Farr House), the Babies' Home and St Mary's Mission of Hope in South Australia; Brighton Children's Home and Darling Babies' Home in Victoria; Roland Children's Home in Tasmania; and Swanleigh Hostel and the Anglican Children's Mission in Western Australia.<sup>124</sup> The Anglican Church also operated several missions and assisted with residential care for Aboriginal children.<sup>125</sup>

The *Forgotten Australians* Senate inquiry received submissions from care leavers describing the cruel treatment they received in the Anglican Church homes, including physical abuse and extreme punishment.<sup>126</sup> One care leaver recalled her experience as a seven year old at a home run by Church of England nuns: 'they were very cruel, we were used for slave labour ... if we did anything wrong, our punishment was being locked in a cupboard most of the time we were locked there all night'.<sup>127</sup> Another care leaver recalled that while at Parkville in the 1940s 'We slept on the veranda and in winter up in the hills it was freezing ... Beltings were common for all the kids and mostly were not deserved'.<sup>128</sup>

The Senate inquiry's *Forgotten Australians* report did not discuss instances of child sexual abuse occurring at Anglican Church institutional homes. However, it did find that there was no nationally consistent complaints procedure for victims of abuse within the Anglican Church. The Senate inquiry concluded that this was a result of the structure of the Anglican Church, within which each diocese is autonomous, which enables bishops to determine their own procedures and protocols.<sup>129</sup>

### 5.5.4 Uniting Church

The Uniting Church was formed in 1977 through the union of the Methodist, Presbyterian and Congregational Churches. The *Forgotten Australians* Senate inquiry received evidence of mixed experiences of care leavers at Uniting Church homes. Some care leavers submitted positive stories. For example, Tally Ho Boys' Home in Victoria was described as a 'good environment',<sup>130</sup> and Mofflyn in Western Australia was said to be 'like a big family ... [where residents] felt loved by our Cottage Mother'.<sup>131</sup> However, the Senate inquiry also heard evidence of abuse in Uniting Church homes. For example, a former resident of Kilmany Park said 'The abuse, sexual abuse and torture abuse that I suffered at Kilmany Park – no child should have to go through'.<sup>132</sup> From 1960 until 1989 the Methodist Church and later the Uniting Church operated Nicklin Cottages. One care leaver told the Senate inquiry, 'I was molested at Nicklin by the Sunday school teacher who used to visit us and so were the other girls. I was raped twice at Nicklin but did not have the courage to tell anyone'.<sup>133</sup>

The *Forgotten Australians* Senate inquiry heard that some Uniting Church homes were not equipped to handle complaints of abuse.<sup>134</sup> It noted with 'dismay' that the Uniting Church did not have a national, uniform complaints procedure in place.<sup>135</sup> Furthermore, it found that various Uniting Church agencies had separate internal church redress processes.<sup>136</sup>

The Senate inquiry also identified that not all Uniting Church agencies had issued formal apologies to care leavers. UnitingCare Burnside, for example, issued apologies to care leavers as part of its complaints process.<sup>137</sup> UnitingCare Victoria and Tasmania had not issued a formal apology at the time of the Senate inquiry report, but indicated a willingness to do so.<sup>138</sup>

## 5.6 Cummins inquiry

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In 2011, the Government of Victoria announced the Protecting Victoria's Vulnerable Children Inquiry (the Cummins inquiry), to inquire into and make recommendations to reduce the incidence and negative impact of child neglect and abuse in Victoria.<sup>139</sup> The inquiry was headed by the Hon. Philip Cummins, Emeritus Professor Dorothy Scott OAM, and Bill Scales AO, who delivered their final report in February 2012. The Report of the Protecting Victoria's Vulnerable Children Inquiry made a number of findings relevant to religious organisations and made 90 recommendations.

The Cummins inquiry considered mandatory reporting under the *Children, Youth and Families Act 2005* (Vic). It concluded that:

in the absence of:

- research into: the diversity of the religious faiths and practices; the number of ordained and appointed ministers; and expertise and capacity of ministers to report suspected cases of child physical and sexual abuse; and
- input from all religious and spiritual faiths across Victoria,

any proposal to extend the mandatory reporting duty under the *Children, Youth and Families Act 2005* to ministers of religion may not achieve the desired aim of facilitating an effective systemic statewide practice of reporting accurate protective concerns to the Department of Human Services.<sup>140</sup>

The Cummins inquiry found that Victoria's *Working With Children Act 2005*, which provides a system of checks to prevent people who are not suitable from working with children,<sup>141</sup> 'clearly applies to persons in religious organisations who work or volunteer with children and young people'.<sup>142</sup>

The Cummins inquiry also considered internal church/religious processes, and doctrinal practices that might operate to preclude or discourage the reporting of criminal abuse to authorities.<sup>143</sup> It noted submissions which stated that religious institutions indirectly or directly pressured victims not to report to police.<sup>144</sup> It also cited research arguing that:

a good organisational approach to risk management of child abuse would incorporate an understanding of [factors including]:<sup>145</sup>

...

- How theological beliefs and church structures that engender and maintain patriarchal views can operate to undermine the ability of a victim to speak up, and to expect that appropriate criminal action can take place;
- How the 'reverencing of church leaders' can lead to a reluctance of victims to speak up

The Cummins inquiry recommended the creation of a separate reporting duty under the *Crimes Act 1958* (Vic) where there is a reasonable suspicion of abuse of a person under 18 by an individual within a religious or spiritual organisation. It recommended that the duty should extend to ministers of religion and office holders, employees, members and volunteers of religious or spiritual organisations that provide services to or have regular contact with children and young people. The Cummins inquiry recommended that an exemption should apply for information received during confession, and that failure to report should attract a suitable penalty under relevant legislation.<sup>146</sup>

The Cummins inquiry also considered whether there was a need for an investigation of criminal abuse of children in Victoria by religious personnel. The inquiry recommended:

A formal investigation should be conducted into the processes by which religious organisations respond to the criminal abuse of children by religious personnel within their organisations. Such an investigation should possess the powers to compel the elicitation of witness evidence and of documentary and electronic evidence.<sup>147</sup>

The Cummins inquiry provided strong reasons for making such a recommendation, including the 'substantial number of established complaints of clerical child sexual abuse found by Mr O'Callaghan [Independent Commissioner of the Melbourne Response put in place by the Catholic Archdiocese of Melbourne]'.<sup>148</sup> It observed that 'A private system of investigation and compensation, no matter how faithfully conducted, by definition cannot fulfil the responsibility of the State to investigate and prosecute crime'.<sup>149</sup> The inquiry found that there was a 'strong public interest' in ascertaining whether past abuses had been 'institutionally hidden', and whether religious organisations were 'active and complicit in that suppression'.<sup>150</sup>



## 5.7 Victorian parliamentary inquiry

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In April 2012, Victorian Premier Ted Baillieu announced the Inquiry into the Handling of Child Abuse by Religious and other Non-government Organisations (Victorian parliamentary inquiry). The Family and Community Development Committee published its final report, *Betrayal of trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations*, in 2013.

Under its terms of reference, the Victorian parliamentary inquiry considered the processes used by religious and other non-government organisations to respond to the criminal abuse of children in their organisations.<sup>151</sup> In doing so, the inquiry looked at institutions' practices, policies and protocols for handling allegations of criminal abuse of children, and systemic practices that operated to preclude or discourage the reporting of suspected child abuse to state authorities.<sup>152</sup> It also investigated whether changes to law or to policies, practices and protocols would help to prevent or assist with handling allegations of such abuse.<sup>153</sup>

The Victorian parliamentary inquiry received evidence that criminal child abuse had occurred within several religious institutions. It found that the 'environment in institutions, schools and parishes, particularly from the 1950s to the 1980s, gave perpetrators or representatives of religious or other non-government organisations the opportunity to exploit vulnerable children in their care'<sup>154</sup> and that a 'culture existed in religious organisations that allowed for the occurrence of systemic criminal child abuse'.<sup>155</sup> The Catholic Church and the homes and orphanages operated by The Salvation Army featured most prominently, in part due to the volume and content of evidence and information secured by the committee.<sup>156</sup> The inquiry also gave consideration to the Anglican Church and the Uniting Church in Australia, although only a small number of submissions were received in relation to these religious organisations.<sup>157</sup>

### 5.7.1 Catholic Church

The Victorian parliamentary inquiry found that 'there has been substantial criminal child abuse in the Catholic Church over a long period of time, perpetrated by priests and other members of religious orders in Victoria'.<sup>158</sup>

The Victorian parliamentary inquiry found that, rather than exposing the criminal abuse of children and the extent of the problem, senior leaders of the Catholic Church had trivialised the issue; contributed to non-disclosure of allegations and the absence of a response to those allegations; ensured that the Victorian community was kept unaware of the abuse; and ensured that offenders were not held accountable, with the consequence that they continued to abuse children.<sup>159</sup> The inquiry described the Catholic Church as having 'the internal features of an organisation at high risk of its personnel perpetrating criminal child abuse'.<sup>160</sup>

These features included the Catholic Church's:<sup>161</sup>

- 'trusted role in caring for children
- culture and power
- complex hierarchy and structure
- teachings and beliefs
- processes for responding to allegations – including the failure to report abuse to the police
- response to alleged offenders – including the relocation and movement of offenders and failure to suspend them from their duties.'

The Victorian parliamentary inquiry examined the structure of the Catholic Church in Victoria, noting its relation with the Vatican. It pointed to an existing conflict between adhering to the beliefs and laws of the Church and adhering to the civil law, which was further complicated by a 'rigid hierarchical structure and obligations of strict obedience'.<sup>162</sup> The inquiry also described the 'fragmented' structure of the Catholic Church, which made it 'extremely challenging for the Catholic Church in Victoria to ensure the appropriate handling of suspected criminal child abuse in a coherent way'.<sup>163</sup>

The Victorian parliamentary inquiry found that:

senior members of the Catholic Church hierarchy knew that there were reports extending over many decades of conduct that constituted gross departures from the normal standards of human decency, let alone the standards that might reasonably be expected of a religious institution.<sup>164</sup>

The Victorian parliamentary inquiry rejected assertions that the Catholic Church, like the rest of the community, had not known the extent of abuse.<sup>165</sup> It concluded that leaders knew the problem existed and sought to protect the church and perpetrators.<sup>166</sup> With regard to the past handling of allegations, the inquiry found that 'the initial formal response to criminal child abuse that the Catholic Church in Victoria and in Australia more broadly had adopted in the early 1990s was influenced by its previous approach' and that 'The response continued to conceal rather than expose criminal child abuse in the organisation'.<sup>167</sup>

The Victorian parliamentary inquiry discussed the impacts of clergy child sexual abuse on the victim, spirituality and the community,<sup>168</sup> concluding that:

Many victims, families and communities felt a lack of justice and a sense of ‘unfinished business’ with non-government organisations, particularly the Catholic Church in Victoria, for the following reasons:

- double betrayal – inconsistent approaches to victims and offenders
- hypocrisy – claims of moral authority
- lack of accountability – refusal to accept responsibility.<sup>169</sup>

The Victorian parliamentary inquiry discussed issues such as celibacy, its relationship with clericalism, canon law, and responses to offenders.<sup>170</sup> The report was critical of the Catholic Church in Australia’s national protocol for responding to allegations of abuse, *Towards Healing*, and the Archdiocese of Melbourne’s separate abuse protocol, known as the Melbourne Response.<sup>171</sup> We discuss the Victorian parliamentary inquiry further in relation to the Melbourne Response in Section 13.9, ‘Catholic Church responses to victims and survivors after the development of national procedures’.

Over 80 per cent of the public submissions made to the Victorian parliamentary inquiry ‘were about abuse by members of Catholic religious orders’, covering a period of over 70 years.<sup>172</sup> The inquiry received evidence of physical and sexual assaults by Christian Brothers in Ballarat, occurring between 1965 and 1983, on children aged from five to 16 years.<sup>173</sup>

The Victorian parliamentary inquiry highlighted the case of Salesian priest Father Frank Klep, who was convicted of offences relating to the sexual abuse of 11 adolescent boys at a boarding school run by the Salesians in Victoria.<sup>174</sup> In reference to Klep, the inquiry report stated that ‘the occurrence of abuse at [the school] during this period cannot be denied’.<sup>175</sup> The inquiry named five diocesan priests whose offending was deemed by Catholic Church Insurance Limited to have been known to diocesan authorities as early as 1975. These included Father Gerard Ridsdale (known about in 1975), Father Wilfred Baker (1978), Father Michael Glennon (1978), and Father Daniel Hourigan (1986).<sup>176</sup>

### 5.7.2 The Salvation Army

The Victorian parliamentary inquiry received evidence of sexual, physical and emotional abuse of children in Salvation Army institutions from the 1930s to the 1980s.<sup>177</sup> It found that 52 of the 474 files made available to the inquiry, revealed complaints of suspected criminal child abuse.<sup>178</sup> Of these, 74 per cent were victims of sexual abuse and 94 per cent ‘endured physical abuse some of it akin to torture’.<sup>179</sup> The inquiry identified Bayswater Boys Home and Box Hill Boys Home as particularly notable for the abuse of children.<sup>180</sup> The inquiry established perpetrators of abuse to be Salvation Army officers, employees, cottage parents, holiday families and visitors to the homes.<sup>181</sup>

The Victorian parliamentary inquiry found that the environment in these homes, particularly from the 1950s to the 1980s, gave perpetrators the opportunity to exploit children in their care. For the period examined, The Salvation Army did not have any policies in place to deal with complaints of abuse made by children; instead, the inquiry found, complaints were often met with ‘more brutality’.<sup>182</sup>

The Victorian parliamentary inquiry reported an ‘absence of even the most basic records’ within Salvation Army institutions<sup>183</sup> and a lack of investigation of complaints of criminal child abuse. It noted that in apologies issued to victims, The Salvation Army did not ‘appear to really accept that the abuse occurred’.<sup>184</sup> The inquiry also expressed concern about The Salvation Army’s policy of only reporting current abuse allegations to police and expecting adult victims to make their own reports.<sup>185</sup>

It concluded that many organisations, including The Salvation Army, did not conduct systematic reviews of their complaint handling processes,<sup>186</sup> and recommended that such reviews allow for underlying systemic problems to be addressed.<sup>187</sup> It also noted that the religious sector generally was not subject to external reviews of systems or processes.<sup>188</sup>

### 5.7.3 Anglican Church

As noted above, due to the small number of submissions received concerning the Anglican Church, the Victorian parliamentary inquiry was limited in the extent of its investigation of this religious organisation. The inquiry reviewed 32 complaint files provided by the Anglican Diocese of Melbourne relating to criminal child abuse.<sup>189</sup> It identified that abuse had occurred in parishes, youth groups and schools and was perpetrated by clergy, lay volunteers and church employees.<sup>190</sup>

The Victorian parliamentary inquiry found that, for the period examined, the Anglican Diocese of Melbourne had a history of poor recordkeeping. In a letter to the inquiry, the Anglican Church said:

it is difficult to provide accurate information regarding the number and nature of complaints prior to 1990 due to the accepted practices and protocols of the time for the handling of such complaints and the lack of awareness for the need to keep comprehensive records.<sup>191</sup>

The Victorian parliamentary inquiry noted that the vast majority of internal investigations into complaints were ‘fair and rigorous’, although the Anglican Diocese of Melbourne had been inconsistent in reporting complaints to police.<sup>192</sup>

## 5.8 Special Commission of Inquiry, New South Wales

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On 8 November 2012, on ABC television's *Lateline*, Detective Chief Inspector Peter Fox of the NSW Police Force in Newcastle alleged that senior police had 'stood him down' from investigating complaints of a cover-up by Catholic Church officials of child sexual abuse.<sup>193</sup> In an open letter to Premier Barry O'Farrell MP, Fox asserted that the Catholic Church:

covers-up, silences victims, hinders police investigations, alerts offenders, destroys evidence and moves priests to protect the good name of the Church.<sup>194</sup>

The New South Wales government established the Special Commission of Inquiry into Matters Relating to the Police Investigation of Certain Child Sexual Abuse Allegations in the Catholic Diocese of Maitland-Newcastle (Special Commission of Inquiry) to investigate Chief Inspector Fox's allegations that he had been asked to discontinue investigating allegations of child sexual abuse in the Catholic Church, appointing Margaret Cunneen SC as Special Commissioner on 21 November 2012. Ms Cunneen was also required to examine whether, and to what extent, the Catholic Church had facilitated or hindered investigations of offenders of clergy child sexual abuse, including whether church officials had failed to report alleged criminal offences to police.<sup>195</sup> The Special Commission of Inquiry focused on the responses by senior diocesan officials to allegations of abuse by two priests of the Diocese of Maitland-Newcastle, Father Denis McAlinden and Father James Fletcher. Overall, the Special Commission of Inquiry found that 'senior officials of the Catholic Church had information relating to suspected child sexual abuse by McAlinden and Fletcher that would have facilitated and/or assisted a relevant police investigation'.<sup>196</sup>

On 5 June 1949, Father McAlinden was ordained in Kilkenny, Ireland. Before his ordination, the provincial of the Redemptorist order in Ireland, Father John Treacy, wrote to the Catholic Bishop of Maitland-Newcastle, Edmund Gleeson, also a Redemptorist, asking him to take on Father McAlinden in the diocese.<sup>197</sup> In his letter, Father Treacy described Father McAlinden as having difficulties in community life, being hard to get on with in ordinary life, and possessing a difficult temper.<sup>198</sup> On 13 December 1949, Father McAlinden was appointed to the Diocese of Maitland-Newcastle. According to the Special Commission of Inquiry report, the earliest incident of sexual abuse by Father McAlinden to have been reported to the diocese occurred in the same year. The latest incident occurred in 1996.<sup>199</sup>

The Special Commission of Inquiry reported that the total number of Father McAlinden's victims could conceivably be more than 100 but would never be known, partly because Father McAlinden was repeatedly sent 'on loan' to remote and overseas locations, including Papua New Guinea (twice), New Zealand, and the dioceses of Geraldton and Bunbury in Western Australia.<sup>200</sup> The Special Commission of Inquiry report noted that 'given his prolific offending, it is readily conceivable that the total number of McAlinden's victims is more than a hundred'. Father McAlinden was charged with indecent assault in Western Australia in September 1991

and acquitted in July 1992.<sup>201</sup> In February 1993 he was recalled from Western Australia to the Diocese of Maitland-Newcastle by Bishop Leo Clarke who removed his faculties to minister as a priest.<sup>202</sup> He died in a nursing home in 2005.<sup>203</sup>

The Special Commission of Inquiry found that a substantial body of evidence before it confirmed that senior diocesan officials were aware of reports or complaints that Father McAlinden had sexually abused children, the first instance of a report being in 1954.<sup>204</sup> Senior officials of the Diocese of Maitland-Newcastle also knew from 1976 that Father McAlinden had admitted to sexually abusing children.<sup>205</sup> The officials with such knowledge included two consecutive bishops of the diocese, two monsignors, and a member of the Special Issues Resource Group.<sup>206</sup> The Special Commission of Inquiry found that the evidence it received revealed 'a disturbing story of repeated inaction and failure on the part of church officials to report McAlinden to police'.<sup>207</sup>

On 7 December 1968, Father James Fletcher was ordained as a priest of the Diocese of Maitland-Newcastle.<sup>208</sup> The Special Commission of Inquiry found that Father Fletcher had an 'extensive history of perpetrating child sexual abuse in the Diocese, exclusively abusing young males, particularly altar boys'.<sup>209</sup> The Special Commission of Inquiry received evidence that Father Fletcher had sexually abused boys in the 1970s.<sup>210</sup>

From 1996, the Catholic Bishop of Maitland-Newcastle, Michael Malone, received three notifications regarding the allegations of child sexual abuse against Father Fletcher.<sup>211</sup> In 2002, police investigating Father Fletcher requested that Bishop Malone stand him down from his parish work.<sup>212</sup> Instead, Bishop Malone extended Father Fletcher's duties to include responsibility for an additional parish.<sup>213</sup> Father Fletcher was removed from parish work in March 2003 and was charged with offences relating to child sexual abuse in May 2003.<sup>214</sup> Father Fletcher was eventually convicted on child sexual abuse offences in 2004. He died in prison in 2006.<sup>215</sup>

The Special Commission of Inquiry described the long-term and lifelong effects of clergy child sexual abuse on victims and their families. Victims of Father McAlinden and Father Fletcher told the inquiry of the devastating effects on their lives. They spoke of feelings of shame, fear, betrayal and anger, and the loss of living what could have been a 'normal' life.<sup>216</sup> Victims told the inquiry of the burden of guilt at having been unable to save themselves or others from sexual abuse. The Special Commission of Inquiry also heard evidence on the impacts in the community, including the actions of some parishioners towards the families of victims. The inquiry was told that families of victims who had spoken out were ignored and shunned by the parish community and that there had been some 'quasi-violent' behaviour towards them.<sup>217</sup>

## 5.9 Conclusions about Australian inquiries

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A number of Australian inquiries have considered child sexual abuse in religious institutions. These inquiries were not confined to religious institutions, yet many of the institutions they examined were managed by religious organisations, including the Catholic, Anglican (Church of England), Uniting, Methodist and Presbyterian churches, and The Salvation Army. It is apparent from these inquiries that there have been a significant number of allegations of child sexual abuse in religious institutions in Australia over many decades.

These Australian inquiries show similar patterns in the nature of abuse in religious institutions to those found by inquiries in other countries. It appears that the Australian experience has been most similar to the experience in Ireland and Canada, because in all three countries there were large numbers of children placed in residential institutions managed by religious organisations and significant numbers of children attended religious schools, particularly those operated by the Catholic Church.

The inquiries reveal that abuse in these residential institutions included sexual, physical, emotional and other forms of abuse perpetrated by staff members who were people in religious ministry, lay staff, volunteers, visitors and other residents. It appears from these inquiries that some specific factors contributed to creating an environment in which abuse occurred, including:

- the isolated and closed nature of these types of institutions
- the ignorance of those responsible for dealing with allegations about the nature of sexual abuse
- staff and volunteers who were unsuitable, or inadequately trained or supervised
- a culture of secrecy
- clericalism and the trust placed by the community in the church.

Several inquiries identified the same factors as having contributed to child sexual abuse in other types of religious institutions such as religious schools, parish and youth group settings. It appears that these factors also contributed to environments in which victims did not disclose because they felt pressured or powerless, and those who did complain were not believed. The Victorian parliamentary inquiry found that a 'culture existed in religious organisations that allowed for the occurrence of systemic criminal child abuse'.<sup>218</sup>



The Australian inquiries reveal commonalities in the institutional responses to child sexual abuse which are also demonstrated in the overseas inquiries discussed in Chapter 3, 'Child sexual abuse in the global Catholic Church: early history and previous inquiries' and Chapter 4, 'Overseas inquiries relating to child sexual abuse in religious institutions'. Some inquiry reports reveal instances where senior personnel within Catholic Church institutions knew of allegations against priests or religious brothers for decades but repeatedly failed to take effective action. The *Forgotten Australians* Senate inquiry report observed that there was a 'pattern of concealment and collusion between authorities'.<sup>219</sup> The *Lost Innocents* Senate inquiry report noted that the 'powerful aura of the clergy was fundamental' and that the veneration of the clergy was so great that allegations of child sexual abuse would not be believed by outsiders. The report also noted that the inadequate investigation of complaint served to protect the 'reputation of the institution and prestige of the Church'.<sup>220</sup>

Common institutional responses detailed in the inquiry reports included:

- denial or minimisation of abuse
- failures to report alleged perpetrators to civil authorities and instead dealing with matters in-house
- an absence of adequate policies and procedures
- transferring alleged perpetrators between institutions or locations or sending them for treatment
- concern to minimise scandal and limit legal and financial liability
- failures to accept responsibility for the damage caused by child sexual abuse
- failures to appreciate the impacts of child sexual abuse on survivors.

Some of these Australian inquiries were also critical of the role of police and other civil authorities for failing to investigate and prosecute allegations of child sexual abuse.

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PART C  
NATURE AND  
EXTENT OF  
CHILD SEXUAL  
ABUSE IN  
RELIGIOUS  
INSTITUTIONS



# Introduction

We used to lay in bed at night and you could always hear the boys cry, different boys cry. And what was going on, the priest was coming in and touching everyone. He had the free range of the whole place. And he was fondling everyone and doing things to all the kids ... Lots of times it happened to me ... Even though I'm 64 now, I've still got to sleep with the lights on.<sup>1</sup>

**Private session, 'Wesley Peter'**

Part C of this volume sets out what we have learned about the nature and extent of child sexual abuse in religious institutions in Australia. Our understanding of this abuse, as well as its impacts, has primarily been informed by hearing the experiences of survivors and their family members who attended private sessions, provided written accounts or gave evidence in public hearings. We also heard evidence from experts, considered relevant research and gathered data.

Over the course of our inquiry we held 57 public hearings into a wide range of institutions. As discussed in Chapter 1, 'The Royal Commission's work on religious institutions', this included 30 dedicated case studies that examined responses to child sexual abuse in religious institutions; hearings on issues such as responses to child sexual abuse in schools, which considered examples relating to religious institutions; and review hearings involving most of the religious institutions that had previously been examined in case studies.

The religious organisations and institutions focused on in this part were each examined in one or more case studies. They are the Catholic Church, the Anglican Church, The Salvation Army, the Jehovah's Witnesses, Australian Christian Churches and affiliated Pentecostal churches, and Yeshiva Bondi and Yeshiva Melbourne (religious institutions forming part of the Chabad-Lubavitch movement of Orthodox Judaism). Survivors also told us about experiencing child sexual abuse in other religious institutions, some of which are reflected in the data and personal accounts provided in this part.

Part C includes six chapters. Chapter 6, 'The extent of child sexual abuse in religious institutions', sets out what we know about the extent of child sexual abuse in religious institutions. It includes an overview of research existing prior to this Royal Commission, and outlines key information sources which have informed our understanding of the extent of child sexual abuse in religious institutions in Australia, including the scope and limitations of each.

As of 31 May 2017, we had heard from 6,875 survivors in private sessions, 4,029 (or 58.6 per cent) of whom told us about child sexual abuse in religious institutions. It is likely that there are many survivors who have not come forward to the Royal Commission.

A considerable proportion of survivors who told us during private sessions about child sexual abuse in religious institutions told us about abuse in Catholic institutions (61.8 per cent) or Anglican institutions (14.7 per cent). Because of this, we undertook surveys to gather data from Catholic Church authorities and Anglican Church dioceses in Australia about claims and complaints of child sexual abuse. These surveys indicated that, overall, 4,444 claimants<sup>2</sup> alleged incidents of child sexual abuse in 4,756 reported claims to Catholic Church authorities,<sup>3</sup> and 1,085 complainants alleged incidents of child sexual abuse in 1,119 reported complaints to Anglican Church dioceses.<sup>4</sup>

Chapter 7, 'People we heard about in religious institutions', outlines who we heard from or about during our inquiry, including victims and survivors of child sexual abuse, adult perpetrators and children with harmful sexual behaviours.

Of the survivors of child sexual abuse in religious institutions who we heard from in private sessions, the majority were male, the most common age range at the time of first abuse was between 10 and 14 years, and most told us about multiple incidents of abuse. Most told us about abuse by male perpetrators. And, while the majority of the perpetrators we heard about were adults, we also heard about abuse by children with harmful sexual behaviours.

We learned that perpetrators of child sexual abuse held various positions in religious institutions. Most of the perpetrators we heard about held positions of leadership or authority. Around half of survivors who told us during private sessions about child sexual abuse in religious institutions told us about perpetrators who were people in religious ministry. We heard that the impacts of this abuse on victims were particularly profound. We also heard about many perpetrators who were lay people, such as teachers and residential care workers.

Chapter 8, 'Common contexts where child sexual abuse occurred in religious institutions', discusses the key contexts in which children experienced sexual abuse – that is, religious schools, residential institutions managed by religious organisations before 1990, places of worship and other locations while children were participating in religious or recreational activities.

We heard that many children experienced sexual abuse in religious schools, including day schools and boarding schools. The victims we heard about included boys and girls of primary and secondary school age. Survivors told us about school cultures that permitted abuse and silenced victims, and about perpetrators including people in religious ministry, teachers and house or dormitory masters.



We also heard that many children experienced sexual abuse in residential institutions managed by religious organisations before 1990, including orphanages, children’s homes and missions. Children were particularly vulnerable in the context of residential institutions, many of which were located in remote places. Children were often isolated and had little interaction with people outside the institution. We heard from survivors that, in addition to child sexual abuse, they often experienced physical abuse, emotional abuse or neglect.

Some survivors told us they were sexually abused in a place of worship or in an associated location, such as a presbytery, a ritual bath house or a confessional. Other survivors told us they experienced sexual abuse during religious activities such as altar boy duties or Bible study groups, or during recreational activities such as church-run camps or youth groups.

Chapter 9, ‘Characteristics of child sexual abuse specific to religious institutions’, discusses what we learned about the specific characteristics of child sexual abuse in religious institutions, particularly where perpetrators were people in religious ministry. Survivors told us about aspects of their religious communities that may have contributed to the risk of abuse, acted as a barrier to disclosure, or impacted on institutional responses.

We frequently heard that the revered status of people in religious ministry was a factor in perpetrators gaining a unique degree of access to children – in some cases even leading to children being abused in their own homes. We heard about perpetrators who threatened their victims or blamed them for the abuse, often with religious overtones. Survivors told us they were threatened with being sent to hell if they resisted the abuse or disclosed it.

Survivors told us about child sexual abuse that involved the use of religious rituals, symbols or language. We also heard about priests misusing the practice of religious confession to facilitate abuse or to silence victims. 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.

Chapter 10, ‘Impacts of child sexual abuse in religious institutions’, discusses the impacts on those who were sexually abused as children in religious institutions. While survivors told us about impacts that were common to all types of institutions – such as mental health issues, substance abuse, physical health effects and relationship difficulties – we also heard about impacts specific to those abused in religious institutions. These included spiritual confusion, loss of religious faith, ostracism from religious communities, breakdown of religious families, and loss of trust in those in positions of religious authority and leadership. We also heard about the broader impacts on families and communities when child sexual abuse in religious institutions came to light.

Finally, Chapter 11, 'Disclosure of child sexual abuse in religious institutions', considers when and how survivors have disclosed their experiences of child sexual abuse in religious institutions. Many survivors told us they were not able to disclose for a very long time.

We heard that survivors faced many barriers to disclosure. These included fear of telling their devout religious family, fear of disclosing because of attitudes to sex and sexuality in their religious community, fear of being ostracised by their religious community and fear of not being believed because of the revered status of the perpetrator. We also heard about institutional barriers to disclosure of child sexual abuse in religious institutions including cultures of secrecy and of abuse, religious beliefs and practices that acted as barriers to disclosure, and non-existent or inadequate avenues for victims to disclose abuse.

In some cases, we heard that victims who did disclose were not believed or were blamed, punished or further abused. In other cases, we heard that victims did not disclose because perpetrators threatened or manipulated them, often in ways that exploited the victim's religious beliefs or that capitalised on the status and authority of people in religious ministry.

This part discusses the nature and extent of child sexual abuse in religious institutions. Part D, 'Institutional responses to child sexual abuse in religious institutions', examines institutional responses to child sexual abuse, largely focusing on evidence gathered through our public hearings, and Part E, 'Creating child safe religious institutions', discusses reforms needed to improve child safety in religious institutions in Australia.

## Key terms

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Some key terms used in this part are set out below. Additional key terms used across this volume are set out in Chapter 1, 'The Royal Commission's work on religious institutions'. A complete list of key terms is included in the volume glossary, following the appendices.

### Child sexual abuse

Any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child.

## Child sexual abuse in an institutional context

Abuse that, for example:

- happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution
- is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where the institution has, or its activities have, created, facilitated, increased, or in any way contributed to (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk
- happens in any other circumstances where an institution is, or should be treated as being, responsible for adults having contact with children.

Note that we also use ‘institutional child sexual abuse’ to refer to child sexual abuse in an institutional context.

## Children with harmful sexual behaviours

Children under 18 years who have behaviours that fall across a spectrum of sexual behaviour problems, including those that are problematic to the child’s own development, as well as those that are coercive, sexually aggressive and predatory towards others. The term ‘harmful sexual behaviours’ recognises the seriousness of these behaviours and the significant impact they have on victims, but is not contingent on the age or capacity of a child.

## Disclosure

A process by which a child conveys or attempts to convey that they are being or have been sexually abused, or by which an adult conveys or attempts to convey that they were sexually abused as a child. This may take many forms, and might be verbal or non-verbal. Non-verbal disclosures using painting or drawing, gesticulating, or through behavioural changes, are more common among young children and children with cognitive or communication impairments. Children, in particular, may also seek to disclose sexual abuse through emotional or behavioural cues, such as heightened anxiety, withdrawal or aggression.

Disclosures can be intentional or accidental, and they might be prompted by questions from another person, or triggered by a memory of the abuse. A disclosure may also become a ‘complaint’ when made to an institution or a ‘report’ when made to an external authority or agency.

## Person in religious ministry

A minister of religion, priest, deacon, pastor, rabbi, Salvation Army officer, church elder, religious brother or sister and any other person recognised as a spiritual leader in a religious institution.

## Perpetrator

An adult who has sexually abused a child.

In the context of the Catholic claims data and the Anglican complaints data (discussed in Chapter 6), we use the term ‘alleged perpetrator’ to refer to a person subject to an allegation, complaint or claim related to child sexual abuse.

## Victim and survivor

Someone who has been sexually abused as a child in an institutional context.

We use the term ‘victim’ when referring to a person who has experienced child sexual abuse at the time the abuse occurred. We use the term ‘survivor’ when referring to a person who has experienced child sexual abuse after the abuse occurred, such as when they are sharing their story or accessing support. Where the context is unclear, we use the term ‘victim’.

We recognise that some people prefer ‘survivor’ because of the resilience and empowerment associated with the term. We recognise that some people who have experienced abuse do not feel that they ‘survived’ the abuse, and that ‘victim’ is more appropriate. We recognise that some people may have taken their lives as a consequence of the abuse they experienced. We acknowledge that ‘victim’ is more appropriate in these circumstances. We also recognise that some people do not identify with either of these terms.

When we discuss quantitative information from private sessions in this volume, we use the term ‘survivor’ to refer both to survivors and victims who attended a private session and those (including deceased victims) whose experiences were described to us by family, friends, whistleblowers and others. This quantitative information is drawn from the experiences of 6,875 victims and survivors of child sexual abuse in institutions, as told to us in private sessions to 31 May 2017.

## 6 The extent of child sexual abuse in religious institutions

The high incidence of sexual abuse of minors by clergy, religious and other Church personnel in the Catholic Church indicates that there has been catastrophic failure in relation to the protection of children in the Church in Australia.<sup>5</sup>

**Archbishop Timothy Costelloe SDB, Catholic Archbishop of Perth**

Volume 2, *Nature and cause*, discusses what we have learned about the extent of child sexual abuse in institutional contexts.

This chapter discusses what we have learned about the extent of child sexual abuse in religious institutions. It includes an overview of the limited research that was available prior to the establishment of this Royal Commission, and discusses key information sources we compiled in order to inform a greater understanding of extent. These include information provided by thousands of survivors in private sessions and written accounts, claims data provided by Catholic Church authorities, complaints data provided by Anglican Church dioceses and other data obtained in connection with our public hearings on religious institutions.

We do not know how many children have experienced sexual abuse in religious institutions in Australia. Many survivors of child sexual abuse take years or even decades to disclose that they have been abused, and some may never tell anyone. However, it is clear that thousands of children have been affected. In private sessions held to 31 May 2017, 4,029 survivors told us about child sexual abuse in religious institutions. The Catholic Church claims data indicated that 4,444 claimants<sup>6</sup> alleged incidents of child sexual abuse in 4,756 reported claims to Catholic Church authorities,<sup>7</sup> and the Anglican Church complaints data indicated that 1,085 complainants alleged incidents of child sexual abuse in 1,119 reported complaints to Anglican Church dioceses.<sup>8</sup> It is not possible to ascertain how many of those who attended a private session also made a claim or complaint of child sexual abuse detailed in one of these data sources.

This chapter outlines key information sources on the extent of child sexual abuse in religious institutions, including the scope and limitations of each. It also discusses the need for a nationally representative prevalence study to establish the extent of child maltreatment in institutional and non-institutional contexts in Australia.

## 6.1 Understanding the extent of child sexual abuse in institutional contexts

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when I am confronted by the statistics of offending and I remember that they are not just statistics, these are all people who have suffered terribly and whose families have suffered terribly, I would have to say that I believe that psychosexual immaturity, lack of proper human formation ... they can and I believe do contribute to the occurrence of abuse.<sup>9</sup>

**Archbishop Denis Hart, Catholic Archbishop of Melbourne and President of the Australian Catholic Bishops Conference**

### 6.1.1 Prevalence and incidence

Research examining the extent of child sexual abuse is complex and, at the time of writing, there is no definitive research that provides accurate data for the Australian context. Different studies have used different methodologies to measure the extent of child sexual abuse, resulting in a range of estimates.

The extent of child sexual abuse in institutional contexts can be measured in two ways: prevalence and incidence. Prevalence refers to the proportion of people in the Australian population who have ever experienced sexual abuse in an institutional context before the age of 18 years.<sup>10</sup> Incidence refers to the number of new cases of sexual abuse in an institutional context occurring over a specified period of time, usually a year.<sup>11</sup> Prevalence is usually expressed as a percentage, and incidence is usually expressed as a number or rate per 10,000 people in the population.

Prevalence and incidence rates are influenced by under-reporting and delayed reporting of child sexual abuse, both of which lead to underestimation.

### 6.1.2 Existing research on the extent of child sexual abuse in institutional contexts

Research on the extent of child sexual abuse in institutional contexts has been limited to date. Most research on institutional contexts has examined specific institutions, such as religious institutions, schools, out-of-home care or juvenile justice settings.<sup>12</sup> Volume 2, *Nature and cause*, outlines the available research and its limitations.

One source that has provided some insight into the possible extent of child sexual abuse in institutional contexts in Australia is the Australian Bureau of Statistics Personal Safety Survey.<sup>13</sup> Although the main focus of the survey is personal safety, it includes questions on participants' experiences of physical and sexual abuse before the age of 15 by 'known' persons or strangers. 'Known' persons include three categories: family members; doctors, teachers and ministers of religion; and other known persons who do not fit into those two categories.

Our analysis of the Personal Safety Survey data showed that in Australia in 2012, approximately 69,600 people aged over 18 reported that they had been sexually abused by a doctor, teacher or minister of religion before the age of 15. More than one in 10 males (11.2 per cent) who reported being sexually abused before the age of 15 reported being abused by a doctor, teacher or minister of religion, compared with just over one in 50 females (2.7 per cent). This survey only collects limited information on child sexual abuse in institutional settings. For the reasons discussed in detail in Volume 2, we are confident that these numbers underestimate the number of children sexually abused in institutional contexts in Australia.

In Volume 2 we conclude from a wide range of sources – including data collected through national surveys such as the Personal Safety Survey, international research, information gathered directly from institutions and from our private sessions – that the extent of child sexual abuse in institutional settings in Australia is considerable, has occurred across many decades and across a wide range of institutions, and has affected tens, if not hundreds, of thousands of people.

Without data from a nationally representative sample, however, it is difficult to provide accurate estimates of how many people have experienced child sexual abuse in institutional contexts as well as other settings, and whether the rate is increasing or decreasing over time.

Australia is one of the few developed countries where a nationally representative prevalence study on child maltreatment and child sexual abuse specifically has not been conducted.<sup>14</sup> In Volume 2 we recommend that the Australian Government conduct and publish a nationally representative prevalence study on a regular basis to establish the extent of child maltreatment in institutional and non-institutional contexts in Australia.

### 6.1.3 Existing research on the extent of child sexual abuse in religious institutions

At the time of the establishment of this Royal Commission, there was limited research available regarding the extent of child sexual abuse in religious institutions.

Most available research related to the Catholic Church. The John Jay College of Criminal Justice at the City University of New York published two reports, in 2004 and 2011 respectively, titled *The Nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002* (2004 John Jay College report),<sup>15</sup> and *The causes and context of sexual abuse*



*of minors by Catholic priests in the United States, 1950–2010* (2011 John Jay College report).<sup>16</sup> In the Netherlands, the Commission of Inquiry into Child Sexual Abuse of Minors in the Roman Catholic Church (Deetman Inquiry) conducted a survey, the results of which were included in its 2011 report, *Sexual abuse of minors in the Roman Catholic Church*.<sup>17</sup> In Australia, the Anglican Church commissioned research in 2007 that included consideration of the extent of child sexual abuse in Anglican institutions.<sup>18</sup> These studies are outlined below.

During our inquiry, we undertook data surveys on claims of child sexual abuse with respect to Catholic Church institutions and complaints of child sexual abuse received by Anglican Church dioceses. The reports of these data surveys, discussed in Section 6.2 below, have significantly contributed to the body of information available on the extent of child sexual abuse in religious institutions in Australia.

## Research related to the Catholic Church

Prior to this Royal Commission, the most comprehensive analysis of the extent of child sexual abuse in the Catholic Church was provided in two studies conducted by the John Jay College of Criminal Justice: the 2004 John Jay College report<sup>19</sup> and the 2011 John Jay College report.<sup>20</sup>

The 2004 John Jay College report examined the number and nature of allegations of child sexual abuse by Catholic priests in the United States made between 1950 and 2002.<sup>21</sup> The study calculated the proportion of both diocesan and religious priests who were the subject of allegations of child sexual abuse. The analysis was based on surveys completed by 195 dioceses (representing 98 per cent of all diocesan priests in the United States), and 140 religious communities (representing 80 per cent of all religious order priests in the United States).<sup>22</sup>

In the John Jay College studies, the calculation of the proportion of priests who were the subject of plausible allegations of child sexual abuse did not take into account the number of years that each priest was in ministry. Our analysis of the proportion of priests and non-ordained religious in Australia who were the subject of allegations of child sexual abuse provided both ‘weighted’ proportions (which took into account the time each priest or religious was in ministry) and ‘unweighted’ proportions. This is discussed further in Section 6.2 below.

The 2004 John Jay College report concluded that in the United States, credible allegations of child sexual abuse had been made against 4.3 per cent of diocesan priests and 2.7 per cent of religious priests.<sup>23</sup> During the period 1950 to 2002, allegations of child sexual abuse were made against a total of 4,392 priests and deacons.<sup>24</sup> However, further allegations were made in the seven years between the first and second John Jay College studies.<sup>25</sup>

The John Jay College reports showed a period of steady increase in allegations relating to incidents of child sexual abuse from 1950 until a peak in the late 1970s, and a sharp decline by 1985.<sup>26</sup> The 2011 John Jay College report observed that there was a significant delay in the

reporting of child sexual abuse, with a substantial proportion of reports made in 2002.<sup>27</sup> As discussed below, long delays in disclosing child sexual abuse are common, and survivors who have been abused in the past 20 to 30 years may not yet have reported the abuse to authorities or to the institution in which the abuse occurred.

Prior to this Royal Commission, the 2011 Deetman Inquiry also provided some information on the prevalence of child sexual abuse in religious institutions in the Netherlands. The Deetman Inquiry was commissioned by the Conference of Bishops and the Dutch Religious Conference in the Netherlands. It was led by Willem Joost Deetman, a Dutch politician and statesman, former minister of education and former mayor of The Hague.<sup>28</sup>

The Deetman inquiry focused on the general Dutch population, and included a survey of 34,234 people aged over 40.<sup>29</sup> The Deetman inquiry report found that almost one-tenth of the Dutch population (9.7 per cent of the sample size) had experienced unwanted sexual contact during childhood or adolescence with an adult who was not a family member.<sup>30</sup> Between 0.3 per cent and 0.9 per cent of the total sample had experienced abuse in Catholic settings.<sup>31</sup> The Deetman inquiry report found that residency in a Catholic institution increased the likelihood of child sexual abuse by about six times compared to a child who did not attend a Catholic institution.<sup>32</sup>

## Research related to the Anglican Church

The only Australian research we are aware of prior to this Royal Commission that has considered the extent of child sexual abuse in religious institutions in Australia was a 2007 survey in relation to reported child sexual abuse in the Anglican Church. The resulting report, *Study of reported child sexual abuse in the Anglican Church*, was published in May 2009.<sup>33</sup>

The report analysed 191 alleged cases of child sexual abuse reported to 17 Anglican Church dioceses between 1990 and 2008.<sup>34</sup> Three dioceses declined to participate and three dioceses did not report any relevant cases.<sup>35</sup> The overall number of children who had access to the Anglican institutions relevant to the study was not known, and consequently this study could not calculate prevalence or incidence rates.

Key findings of the study included the following:<sup>36</sup>

- ‘Unlike patterns of abuse in the general population, three quarters of complainants were male and most were between the ages of 10 to 15 at the time of abuse.’
- ‘Most accused persons were either clergy or were involved in some form of voluntary or paid youth work.’
- ‘Ongoing abuse lasting three years or more was significantly more common among male complainants.’
- ‘There were long delays in reporting offences to the Church by the complainants, with an average delay of 23 years.’

## 6.2 Information sources about the extent of child sexual abuse in religious institutions

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The [Catholic Church claims] data tells us that over the six decades from 1950 to 2010, some 1,265 Catholic priests and religious were the subject of a child sexual abuse claim. These numbers are shocking. They are tragic and they are indefensible. Each entry in this data, for the most part, represents a child who suffered at the hands of someone who should have cared for and protected them, and let us not forget the ripples of the abuse also felt by their family, friends and carers ... The data is an indictment on the priests and religious who abused these children. It also reflects on the Church leaders who at times failed to take steps to deal with the abusers, failed to call them to order and failed to deal with them in accordance with the law, and, perhaps worse, took steps which had the effect, if not the intent, of enabling them to abuse again ... This data, along with all we have heard over the past four years, can only be interpreted for what it is: a massive failure on the part of the Catholic Church in Australia to protect children from abusers and perpetrators; a misguided determination by leaders at the time to put the interests of the Church ahead of the most vulnerable; and a corruption of the gospel the Church seeks to profess. As Catholics, we hang our heads in shame.<sup>37</sup>

**Mr Francis Sullivan, Chief Executive Officer, Truth, Justice and Healing Council**

### 6.2.1 Private sessions information

Over the course of our inquiry, we held private sessions with thousands of survivors of institutional child sexual abuse. Information provided during these private sessions was confidential. We developed ways to collect, securely manage and analyse this information. These included the completion of a form for each private session which captured aspects of the survivor's story in quantitative format, as well as the production of a de-identified narrative where the survivor provided their consent. We have used quantitative and qualitative information from private sessions throughout this volume in a de-identified manner.<sup>38</sup>

Volume 2, *Nature and cause*, addresses the limitations of the information derived from private sessions. The information was self-reported. Our private sessions did not use standard questions, and attendees were able to choose how much or how little information they wished to discuss. As well as providing information about the sexual abuse, the institution and the perpetrator, survivors in private sessions often described their experience of disclosure and the impacts of the sexual abuse they experienced. Some survivors described their experience of child sexual abuse in great detail, while others gave limited or no detail.

Many people who have experienced child sexual abuse in institutional contexts may not have wished to, or may not have been able to, contact the Royal Commission or attend a private session. It is not clear to what extent the experience of people who attended private sessions represents the experience of victims of child sexual abuse in institutional contexts who did not contact the Royal Commission. In particular, private sessions information is likely to under-represent the number of victims of more recent abuse. Long delays in disclosing child sexual abuse are common. Survivors who spoke with us during private sessions took, on average, 23.9 years to tell someone about their experience of abuse.<sup>39</sup> Some research suggests that children may delay reporting child sexual abuse where the perpetrator is in a position of trust and authority.<sup>40</sup> This may be particularly relevant to child sexual abuse that occurs in an institutional context.

Volume 5, *Private sessions*, provides a full description of our private sessions model, and details key themes that emerged during private sessions about children's experiences of child sexual abuse in institutional contexts. Many of the full narratives are available as an online appendix to Volume 5. Each narrative was de-identified to protect the survivor's identity and to ensure that the information they had given us remained confidential. The de-identification process included attributing pseudonyms to people mentioned in the narrative, including survivors and alleged perpetrators, and removing institution names and locations that could identify the people in the narrative. Details of the survivor's account were not changed, though in some instances details were removed if they could identify the survivor, the alleged perpetrator or the particular institution.

The quantitative information in this volume is drawn from the experiences of 6,875 victims and survivors of child sexual abuse in institutions, as told to us in private sessions held to 31 May 2017. Of those, 4,029 survivors (58.6 per cent) told us about child sexual abuse in religious institutions.

Table 16.7 sets out the number of survivors who told us in private sessions about child sexual abuse in institutions managed by each religious organisation, as coded in the third edition of the Australian Standard Classification of Religious Groups.<sup>41</sup> It shows what proportion these individuals comprise of the total number of survivors who told us in private sessions about child sexual abuse in all institutions, and what proportion they comprise of the total number of survivors who told us in private sessions about child sexual abuse in religious institutions. It also indicates how many named institutions we heard about in relation to each religious organisation as being the location of child sexual abuse. Some survivors told us about abuse in more than one institution.

**Table 16.7 – Number of survivors in private sessions by religious organisation, as a proportion of all survivors, as a proportion of survivors who told us about abuse in religious institutions, and number of religious institutions, private sessions, May 2013–May 2017**

Religious organisation	Number of survivors	Proportion of all survivors (%)	Proportion of survivors who told us about abuse in religious institutions (%)	Number of religious institutions
Catholic	2,489	36.2	61.8	964
Anglican	594	8.6	14.7	244
Salvation Army	294	4.3	7.3	64
Protestant <sup>a</sup>	169	2.5	4.2	57
Presbyterian and Reformed	117	1.7	2.9	40
Uniting Church	97	1.4	2.4	50
Other Christian <sup>b</sup>	75	1.1	1.9	42
Jehovah's Witnesses	70	1.0	1.7	57
Baptist	40	0.6	1.0	30
Pentecostal	37	0.5	0.9	30
Brethren	33	0.5	0.8	12
Churches of Christ	29	0.4	0.7	21
Judaism	25	0.4	0.6	10
Seventh-day Adventist	25	0.4	0.6	21
Lutheran	22	0.3	0.5	12
Latter-day Saints, Church of Jesus Christ of LDS (Mormons)	7	0.1	0.2	6
Miscellaneous religions <sup>c</sup>	7	0.1	0.2	4
Islam	<5	<0.1	<0.2	<4
Baha'i	<5	<0.1	<0.2	<4
Eastern Orthodox	<5	<0.1	<0.2	<4

Religious organisation	Number of survivors	Proportion of all survivors (%)	Proportion of survivors who told us about abuse in religious institutions (%)	Number of religious institutions
Hinduism	<5	<0.1	<0.2	<4
Oriental Orthodox	<5	<0.1	<0.2	<4
Unknown	20	0.3	0.5	18

<sup>a</sup> ‘Protestant’ includes institutions identified by survivors as Protestant without further information about denomination.

<sup>b</sup> ‘Other Christian’ includes but is not limited to Unitarian, Religious Society of Friends (Quakers), Fundamentalist Evangelical, Christian Outreach and Christadelphians. These Christian groups are not individually coded in the third edition of the Australian Standard Classification of Religious Groups (2016).

<sup>c</sup> ‘Miscellaneous religions’ includes but is not limited to Scientology, The Family and Satanism. These non-Christian groups are not individually coded in the third edition of the Australian Standard Classification of Religious Groups (2016).

The number of survivors in private sessions has not been provided with respect to religious organisations with fewer than five, as this could potentially lead to a survivor being identifiable.

Of survivors who told us in private sessions about child sexual abuse in religious institutions, 61.8 per cent told us about abuse in Catholic institutions and 14.7 per cent told us about abuse in Anglican institutions. Survivors told us about abuse in 964 different Catholic institutions and 244 different Anglican institutions, with Catholic institutions representing 57.0 per cent of all religious institutions we heard about and Anglican institutions representing 14.4 per cent.

In the context of information gathered from private sessions, in this volume we mostly discuss institutions managed by or affiliated with religious organisations. In some places we discuss this alongside information gathered from private sessions about ‘institutions under other management’. We use this term to include institutions that were under government management, institutions that were not under government or religious management,<sup>42</sup> and institutions where the nature of management was not known.

## 6.2.2 Catholic Church data and Anglican Church data

As set out above, a considerable proportion of survivors who told us about child sexual abuse in religious institutions told us about abuse in Catholic or Anglican institutions. Because of this, we undertook surveys to gather data from these religious organisations. We contracted a data analyst to develop the surveys for data collection, to clean and analyse the data, and to report on the data.

The resulting reports were *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia* (Catholic Church claims data)<sup>43</sup> and *Analysis of*

*complaints of child sexual abuse received by Anglican Church dioceses in Australia* (Anglican Church complaints data).<sup>44</sup> These reports provide a comprehensive analysis of the claims received by Catholic Church authorities and complaints received by Anglican Church dioceses relating to child sexual abuse. The reports were tendered into evidence during *Case Study 50: Institutional review of Catholic Church authorities* and *Case Study 52: Institutional review of Anglican Church institutions*, which were held in February and March 2017 respectively.<sup>45</sup> The complete analysis, key terms and methodology are set out in the reports.

## Claims and ministry data provided by Catholic Church authorities

### Background

From May 2015 to February 2017, we undertook a survey of Catholic Church authorities in Australia to gather data about the extent of claims of child sexual abuse made against Catholic Church personnel.

The scope of this survey was broader than any previous study of the extent of child sexual abuse in Catholic institutions. As discussed in Section 6.1.3, in the early 2000s the John Jay College of Criminal Justice at the City University of New York undertook a survey regarding allegations of child sexual abuse in the Catholic Church in the United States. The John Jay College survey collected and analysed information about the number and nature of allegations of child sexual abuse by Catholic priests (both diocesan and religious) and deacons between 1950 and 2002.<sup>46</sup>

Our Catholic Church claims data survey went beyond the scope of the John Jay College study, as it included claims of child sexual abuse made against not just diocesan and religious priests, but also religious brothers, religious sisters and lay persons (both employees and volunteers).

### Claims data

Catholic Church authorities provided information about claims of child sexual abuse, including information about where and when the alleged abuse occurred. The survey sought data regarding all claims received by a Catholic Church authority between 1 January 1980 and 28 February 2015. There was no limit on the date of the alleged incidents of child sexual abuse. The survey sought information about people who made claims of child sexual abuse and about alleged perpetrators. The survey also sought information about aspects of the institutional response to claims of child sexual abuse, including the outcome of claims for redress.

For the purposes of the survey, claims included:

- Claims of child sexual abuse made against Catholic Church personnel by a claimant, or a solicitor or advocate on their behalf, seeking redress through *Towards Healing: Principles and Procedures in Responding to Complaints of Sexual Abuse Against Personnel of the Catholic Church in Australia* (Towards Healing),<sup>47</sup> the Melbourne Response or another redress process, including civil proceedings, whether ongoing, settled or concluded without redress.



- Complaints of child sexual abuse made against Catholic Church personnel by any person, without redress being sought, that were substantiated following an investigation by the relevant Catholic Church authority or another body, or otherwise accepted by the relevant Catholic Church authority.

As discussed in Chapter 13, ‘Catholic Church’, the Melbourne Response is a redress scheme adopted by the Catholic Archdiocese of Melbourne to respond to people making claims in relation to child sexual abuse by Catholic Church personnel operating within that Archdiocese. Towards Healing is a set of principles and procedures that forms the basis of the response of the Catholic Church in Australia to claims of child sexual abuse. Towards Healing applies to each Catholic Church authority in Australia, with the exception of the Archdiocese of Melbourne.

Catholic Church authorities that completed the survey only included claims regarding alleged perpetrators who were Catholic Church personnel and held an appointment with the relevant Catholic Church authority at the time of the alleged incident/s of child sexual abuse. Catholic Church personnel included any current or former priest, any member of a religious institute, and any other person employed in or appointed to a voluntary position by a Catholic Church authority. Catholic Church authorities only included claims where an alleged perpetrator was under the age of 18 years if that person also held an appointment with the relevant Catholic Church authority at the time of the alleged child sexual abuse, for example as a youth worker.

The survey requested information about claims, irrespective of the outcome of the claim. It gathered information about all claims for redress, including those that were ongoing, settled or concluded without redress. The survey sought information on all claims:

- accepted by a Catholic Church authority
- discontinued before the Catholic Church authority could investigate the allegations
- where the alleged abuse was investigated and was not accepted.

The survey allowed Catholic Church authorities to enter details about a claimant who made a claim through multiple redress processes. For example, a claimant may initially have made a claim through Towards Healing and later pursued a claim through civil proceedings or an ‘other’ redress process (some form of negotiation with a Catholic Church authority by the claimant or their solicitor and/or advocate). The Catholic Church claims data regarding the response of Catholic Church authorities, including redress payments, is considered in Chapter 13.

The Catholic Church claims data does not represent the total number of allegations of child sexual abuse made to Catholic Church authorities in Australia. This is because the survey did not seek information about all allegations of child sexual abuse, but only about claims where the claimant had sought redress, or about complaints that were accepted by Catholic Church authorities without redress being sought by the claimant. Further, the people who made claims of child sexual abuse to Catholic Church authorities were self-selected and may not represent the demographic profile or experiences of the broader population of people who have experienced child sexual abuse in Catholic institutions in Australia.

A total of 201 Catholic Church authorities completed the claims data survey voluntarily.<sup>48</sup> Of those:

- 101 were female religious institutes (commonly described as religious orders)<sup>49</sup>
- 54 were male religious institutes (religious orders) with non-ordained religious brothers and/or priest members
- 34 were archdioceses and dioceses with only male priest members
- nine were public juridic persons<sup>50</sup> with no priest or non-ordained religious members
- two were lay associations with no priest or non-ordained religious members
- one was a personal prelature<sup>51</sup> with priest and lay members.<sup>52</sup>

Of the 201 Catholic Church authorities surveyed, 92 (46 per cent) reported having received one or more claims of child sexual abuse.<sup>53</sup> The remaining 109 (54 per cent) did not report a claim of child sexual abuse.<sup>54</sup> Overall, 4,444 claimants alleged incidents of child sexual abuse in 4,756 reported claims to Catholic Church authorities. Some claimants made a claim of child sexual abuse against more than one Catholic Church authority.<sup>55</sup>

A total of 1,880 alleged perpetrators (diocesan and religious priests, religious brothers, religious sisters, lay employees or volunteers) were identified in claims of child sexual abuse. Additionally, 530 alleged perpetrators whose identities were not known were the subject of claims. It cannot be determined whether any of those unidentified alleged perpetrators were identified by another claimant in a separate claim.<sup>56</sup>

### **Data regarding priests and non-ordained members of religious institutes**

We also conducted a survey of 75 Catholic Church authorities including archdioceses, dioceses and religious institutes in Australia with priest members and 10 Catholic religious institutes in Australia with non-ordained religious members. This survey sought information about the number of priests and non-ordained religious members of each Catholic Church authority who ministered in Australia in the period from 1 January 1950 to 31 December 2010, and how long each of them ministered.<sup>57</sup>

This information, when analysed in conjunction with the claims data, enabled calculation of the proportion of priests and non-ordained religious members of these Catholic Church authorities ministering in the period 1950 to 2010 who were alleged perpetrators.

The survey of 75 Catholic Church authorities regarding their priest members included 33 archdioceses or dioceses and 42 religious institutes. Each Catholic Church authority was asked to include in the survey:

- for religious institutes, only those priests who were members of the religious institute either in Australia or internationally and who were involved in public ministry in Australia in the period from 1950 to 2010

- for archdioceses or dioceses, only those priests who were either ordained to or incardinated into the diocese.

The 10 Catholic religious institutes with non-ordained religious members that were surveyed were chosen on the following basis:

- Male religious institutes in Australia that have only religious brothers as members – there are only five in Australia, so all five were selected. The claims received by these five religious institutes accounted for 41 per cent of all claims made to Catholic Church authorities. These five religious institutes were the Christian Brothers, the De La Salle Brothers, the Marist Brothers, the Patrician Brothers and the St John of God Brothers.
- Three male religious institutes that have both priest and non-ordained religious members. These were the Missionaries of the Sacred Heart, the Salesians of Don Bosco and the Society of Jesus (Jesuits).
- Two female religious institutes, to allow a comparison between male and female religious institutes. These were the Sisters of Mercy (Brisbane) and the Sisters of St Joseph of the Sacred Heart.<sup>58</sup>

The proportion of priests and non-ordained religious members of these Catholic Church authorities ministering in the period 1950 to 2010 who were alleged perpetrators was calculated using a weighted average methodology. Data analysts engaged by the Royal Commission advised that this methodology should be used to calculate these proportions as it properly took into account the risk to children and was the statistically appropriate methodology for calculating proportions over a period of six decades.

The weighted average methodology took into account the duration of ministry of all priests and non-ordained religious included in the survey. This methodology was used to calculate both the numerator (alleged perpetrators) and the denominator (the total number of priests and non-ordained religious who ministered in each Catholic Church authority in the period from 1950 to 2010).

The weighted average methodology ensured that a statistically consistent approach was taken to individuals who were in ministry for only a few years, and individuals who were in ministry for decades.

The weighted average methodology permitted an appropriate comparison between priests and non-ordained religious who ministered recently and those who ministered many decades ago. It accounted for the tendency for priests and non-ordained religious who ministered recently to have a shorter duration of ministry than priests and non-ordained religious who ministered many decades ago.

The weighted average methodology also permitted an appropriate comparison between different Catholic Church authorities, where there may have been different average periods of ministry for all members of that Catholic Church authority.<sup>59</sup>

Of the total of 9,025 priests identified as having been a member of one of the 75 Catholic Church authorities surveyed, 507 were alleged perpetrators.<sup>60</sup> The proportion of priest members who were alleged perpetrators, taking into account the duration of ministry for the 60-year period was 7.0 per cent.<sup>61</sup> When the duration of ministry was not taken into account the unweighted proportion for priest members overall was 5.6 per cent.<sup>62</sup>

For Catholic Church authorities with priest members, when taking into account the duration of ministry, the Benedictine Community of New Norcia was the Catholic Church authority with the highest overall proportion of priest members who were alleged perpetrators (21.5 per cent).<sup>63</sup> The Archdiocese of Adelaide and the Dominican Friars had the lowest overall proportions of priests who were alleged perpetrators (2.4 per cent and 2.1 per cent respectively).<sup>64</sup>

For Catholic Church authorities with non-ordained religious members, the St John of God Brothers had the highest overall proportion of members who were alleged perpetrators, when taking into account the duration of ministry (40.4 per cent).<sup>65</sup> The two female religious institutes, the Sisters of St Joseph of the Sacred Heart and the Sisters of Mercy (Brisbane) had the lowest overall proportions of members who were alleged perpetrators, when taking into account the duration of ministry (0.6 per cent and 0.3 per cent respectively).<sup>66</sup>

The proportions of priest and non-ordained religious members of some Catholic Church authorities who ministered in the period 1950 to 2010 and were alleged perpetrators are set out in further detail in Chapter 13.

### **Role of the Truth, Justice and Healing Council and Catholic Church authorities**

All of the surveys of Catholic Church authorities were undertaken with the full cooperation and assistance of the Truth, Justice and Healing Council (the Council). The Council was established by the Australian Catholic Bishops Conference and Catholic Religious Australia to oversee the engagement of the Catholic Church in Australia with the Royal Commission.

We acknowledge the cooperation and assistance of the Council in gathering this data. The Council facilitated our contact with Catholic Church authorities and provided assistance to Catholic Church authorities as they completed the data surveys. We also acknowledge the cooperation of all Catholic Church authorities that completed data surveys.

Royal Commission officers and Council officers had extensive discussions about the content of each survey and, where necessary, technical aspects of each survey. We provided the Council with a draft version of the final data report and allowed the Council an opportunity to comment. We ensured the provision of all information necessary for Council officers to review the data analysis; carefully considered and responded to all queries regarding the data analysis; and amended the report where necessary.

## Complaints data provided by Anglican Church dioceses

### Background

In June 2016, we undertook a survey of all 23 Anglican Church dioceses in Australia to gather data about complaints of child sexual abuse.<sup>67</sup>

### Complaints data

Anglican Church dioceses provided information about complaints of child sexual abuse, including information about where and when the alleged abuse occurred. The survey sought data regarding all complaints received by Anglican Church dioceses between 1 January 1980 and 31 December 2015. There was no limit on the date of the alleged incidents of child sexual abuse. The Anglican Church complaints data provided information about the people who made claims of child sexual abuse and about alleged perpetrators.

The Anglican Church complaints data also provided information about aspects of the institutional response to complaints of child sexual abuse, including the outcome of claims for redress. This is discussed in Chapter 12, 'Anglican Church'.

Anglican Church dioceses that completed the survey only included complaints regarding alleged perpetrators who were acting under the authority of the Anglican Church or its associated institutions at the time of the alleged incident/s of child sexual abuse. The alleged perpetrator did not have to be clergy (that is, an ordained member of an Anglican Church diocese, such as a priest) for the diocese to have entered a complaint into the survey. For example, a complaint may have been made to a diocese about alleged child sexual abuse by a non-ordained employee (such as a music director or youth director), or by a volunteer who was ordained (for example a deacon) or non-ordained (for example a lay minister, server, youth leader or Sunday school teacher).<sup>68</sup>

The survey requested information about complaints, irrespective of the outcome of the complaint. The survey sought information on all complaints:

- accepted by an Anglican Church diocese
- discontinued before the Anglican Church diocese could investigate the allegations
- where the alleged abuse was investigated and was not accepted.<sup>69</sup>

The Anglican Church complaints data does not represent the total number of allegations of child sexual abuse made to Anglican Church dioceses in Australia. Further, the people who made complaints of child sexual abuse to Anglican Church dioceses were self-selected and may not represent the demographic profile or experiences of the broader population of people who have experienced child sexual abuse in Anglican institutions in Australia.

Of the 23 Anglican dioceses that were surveyed, 22 dioceses reported that they had received one or more complaints of child sexual abuse in the period from 1 January 1980 to 31 December 2015. The Diocese of Willochra in South Australia reported that it received no complaints in the period from 1 January 1980 to 31 December 2015.<sup>70</sup>

Overall, 1,085 complainants alleged incidents of child sexual abuse in 1,119 reported complaints to Anglican Church dioceses. Some complainants made a complaint of child sexual abuse to more than one Anglican Church diocese.<sup>71</sup>

A total of 569 alleged perpetrators (ordained clergy, lay employees including teachers, or volunteers) were identified in complaints of child sexual abuse. Additionally, 133 alleged perpetrators whose identities were not known were the subject of complaints. It cannot be determined whether any of those unidentified alleged perpetrators were identified by another complainant in a separate complaint.<sup>72</sup>

### **Involvement of the General Synod of the Anglican Church of Australia and Anglican Church dioceses**

These surveys were undertaken with the full cooperation and assistance of representatives of the General Synod of the Anglican Church in Australia (the General Synod). The General Synod is the national governing body of the Anglican Church in Australia. We acknowledge the cooperation and assistance of representatives of the General Synod, including the facilitation of our contact with Anglican Church dioceses. We also acknowledge the cooperation of all Anglican Church dioceses that completed the data survey.

### **Data limitations**

There are a number of limitations with respect to the Anglican Church complaints data, as outlined below.

The governance of institutions associated with the Anglican Church, including schools, residential institutions and welfare agencies, differs in each of the 23 Anglican Church dioceses in Australia. Some dioceses require associated institutions such as schools to report complaints of child sexual abuse to the diocese, which then manages the complaint. In other dioceses, complaints of child sexual abuse relating to associated institutions are not managed by the diocese. In those dioceses, complaints relating to associated institutions will only appear in diocesan records if the complainant themselves took the matter to the diocese (usually due to dissatisfaction with the response of the associated institution).

These differing governance arrangements meant that, in responding to the survey, some dioceses reported all complaints of child sexual abuse relating to institutions directly operated by the diocese, as well as complaints relating to institutions associated with the diocese. For example, the Diocese of Brisbane requires all Anglican schools in the diocese to report a complaint of child sexual abuse to the diocese. Other dioceses do not have the same requirements regarding the referral of complaints from schools in their diocese, with many

schools responding to the complaints directly. Consequently, these complaints would not have been entered by the relevant dioceses into the complaints survey. The data results therefore did not include all complaints of child sexual abuse relating to associated institutions across all Anglican Church dioceses.

There are some differences between the results of the analysis of the Anglican Church complaints data and the information we collected from people who attended private sessions. As of 31 May 2017, of those survivors who told us in private sessions about child sexual abuse in Anglican institutions, 38.0 per cent told us about abuse occurring in residential institutions. In the Anglican Church complaints data, 14 per cent of complaints alleged child sexual abuse occurring in residential institutions.<sup>73</sup>

Similarly, of survivors who told us in private sessions about child sexual abuse in Anglican institutions, 32.8 per cent told us about abuse occurring in schools. However, in the Anglican Church complaints data, the proportion of complaints that included allegations of child sexual abuse in a school was very small. For instance, only 3 per cent of complaints reported by the Diocese of Sydney related to schools. The comparative figures for the dioceses of Adelaide and Melbourne were 5 per cent and 10 per cent respectively. Some Anglican schools are directly governed by Anglican Church dioceses, while others are administered independently. We did not make enquiries about the governance arrangements of individual schools we heard about during private sessions. Where a survivor told us about child sexual abuse occurring in a school managed by or affiliated with the Anglican Church, we generally included this information in our figures regarding the Anglican Church.<sup>74</sup>

The data survey requested Anglican Church dioceses to provide information relating to applications to any redress process made by a complainant, including any formal redress schemes established by Anglican Church dioceses. In September 2017 the Anglican Church passed a resolution for the creation of an independent entity to coordinate and manage redress for survivors of child sexual abuse.<sup>75</sup> Until this time, each diocese had been responsible for the development, adoption and implementation of redress processes within its own jurisdiction. For this reason, varied approaches to redress have been taken in Anglican Church dioceses across Australia. The approach of each diocese to redress has been affected by a number of factors. The approach of large metropolitan dioceses has been very different from that of smaller rural dioceses. There has been no uniform approach to the payment of monetary compensation. Anglican Church dioceses have also adopted differing practices in relation to issues such as the provision of apologies and counselling and support services to survivors. It is possible that the absence of a national redress scheme in the Anglican Church may have reduced the number of survivors coming forward to make a complaint of child sexual abuse to an Anglican Church diocese.

Responses of Anglican Church dioceses with respect to redress are discussed further in Chapter 12.



### 6.2.3 Data obtained in relation to our public hearings

As discussed in Chapter 1, we held dedicated case studies examining responses to child sexual abuse in religious institutions, as well as public review hearings involving most of the religious institutions that had previously been examined in case studies.

Prior to our public hearings we sought information from relevant religious institutions, which in some cases included data relating to claims or complaints of child sexual abuse. For example, data was sought from the Catholic Church's National Committee for Professional Standards prior to *Case Study 4: The experiences of four survivors with the Towards Healing process* in relation to each individual case where a complainant agreed to engage in the Towards Healing process between 1 January 1996 and 30 September 2013. We received data in nine of the public hearings that examined responses to child sexual abuse in religious institutions.<sup>76</sup>

The data we received in relation to public hearings that examined institutional responses of Catholic Church authorities and Anglican Church dioceses was superseded by the comprehensive Catholic Church claims data and Anglican Church complaints data discussed above.

Some data obtained during public hearings has been used in this volume in our consideration of the extent of child sexual abuse in specific religious organisations. This includes data relating to the Jehovah's Witnesses, which stemmed from documents produced by Watchtower Australia for *Case Study 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse*. These documents included case files relating to 1,006 alleged perpetrators of child sexual abuse.<sup>77</sup> This is discussed in Chapter 15, 'Jehovah's Witnesses'.

We also obtained data in relation to the Uniting Church during *Case Study 56: Institutional review of Uniting Church in Australia (Institutional review of Uniting Church in Australia)*. As outlined in Chapter 1, the Uniting Church is not one of the religious organisations considered in depth in this volume. However, a summary of the data obtained from the Uniting Church with respect to allegations of child sexual abuse is provided below.

#### Data obtained from the Uniting Church in Australia

Prior to the *Institutional review of Uniting Church in Australia* hearing, we sought data from the Uniting Church in Australia in relation to all allegations<sup>78</sup> and claims<sup>79</sup> of child sexual abuse made against Uniting Church personnel<sup>80</sup> from the date it was established, 22 June 1977, until 3 March 2017. This data was sought from and subsequently provided by each of the following synods of the Uniting Church in Australia:

- Synod of New South Wales and the ACT
- Northern Territory (Northern Synod)
- Queensland Synod

- Synod of South Australia
- Synod of Victoria and Tasmania
- Synod of Western Australia.

The data provided by the Uniting Church was tendered in the *Institutional review of Uniting Church in Australia* hearing. We subsequently sought clarification of the approach taken by the Uniting Church to the definition of ‘Uniting Church personnel’ for the purposes of the data. The Uniting Church in Australia Assembly confirmed that in providing data they had taken a broad approach and that the matters included potential indicators of abuse such as children exhibiting sexual behaviour, child-on-child abuse, and alleged sexual abuse perpetrated by kinship or foster carers. Because this differed from the criteria used by the Catholic and Anglican churches, we requested the Uniting Church in Australia to provide data regarding complaints or allegations of child sexual abuse made against ‘Uniting Church personnel’, defined as ‘Any current or former person in a specified ministry or any other person employed by or appointed to a voluntary leadership position by a Council or Institution of the Uniting Church in Australia’. The Uniting Church provided us with revised data based on this definition. We accepted the revised data. The revised approach to defining ‘Uniting Church personnel’ is consistent with that taken in the Catholic Church claims data and the Anglican Church complaints data.<sup>81</sup>

The Uniting Church in Australia Assembly told us that some allegations relating to institutions affiliated with a particular synod of the Uniting Church may not have been included in the data. Not all affiliated institutions are required to report allegations of child sexual abuse to the relevant synod. Instead, some affiliated institutions respond to allegations of child sexual abuse independently from the relevant synod.<sup>82</sup>

Overall, the Uniting Church data showed that 430 allegations of child sexual abuse were made to the six synods within Australia. Of these allegations, 102 resulted in claims of child sexual abuse where the person making the allegation sought some form of redress through either a redress process or civil litigation. Of those 102 people, 83 received a settlement. The total amount of settlement monies paid was \$12.35 million. The highest payment made to a claimant was \$2.43 million; the lowest was \$110; and the average was a little under \$151,000.<sup>83</sup>

Of all synods, the Synod of Victoria and Tasmania identified the highest number of allegations (200 allegations). The Synod of Victoria and Tasmania confirmed that the majority of these allegations were identified in accordance with the Victorian Department of Health and Human Services incident reporting requirements. These allegations represented 46.5 per cent of all allegations received by all Uniting Church synods.<sup>84</sup>

Of all synods, the Synod of New South Wales and the ACT received the highest number of claims (59 claims). Excluding pending, open and discontinued matters, the Synod of New South Wales and the ACT had paid 49 claimants a settlement (83.1 per cent of those who made a claim of child sexual abuse to the synod).<sup>85</sup>

## 6.2.4 Limitations on data and comparing data sources

There are some limitations on the data sources available to us. The primary observation to be made in relation to the available data sources is that they do not represent the total number of allegations of child sexual abuse relating to religious institutions in Australia.

As discussed in Volume 4, *Identifying and disclosing child sexual abuse*, many survivors of child sexual abuse face barriers that deter them from reporting abuse to authorities, and long delays in disclosing abuse are common. Some people never disclose that they were sexually abused.<sup>86</sup> The Catholic Church claims data and the Anglican Church complaints data showed an average delay in making a claim or complaint (from the date of the first alleged incident of abuse) of 33 years and 29 years respectively.<sup>87</sup> While a first disclosure may have been made earlier, this data supports what previous research has shown: that delayed disclosure is common.<sup>88</sup> The result of delayed disclosure is likely to be the under-representation in available data sources of the number of survivors of more recent abuse.

The relative size of a religious organisation in Australia, including the extent to which it has provided services to children, may have affected the number of allegations of child sexual abuse made in relation to that organisation. However, we have not been able to quantify the number of children to whom each religious organisation provided services over time. In the absence of this information, the data sources available to us cannot be used to determine the incidence or prevalence of child sexual abuse in institutions managed by religious organisations in Australia.

Further, for a number of reasons, only limited comparisons can be made between the available data sources.

The differing nature of the governance structures in relation to the reporting and handling of complaints of child sexual abuse by Catholic Church authorities and Anglican Church dioceses significantly limits any potential comparative analysis in relation to the Catholic Church claims data and the Anglican Church complaints data.

The Catholic Church claims data is the most comprehensive data set available. This is because each Catholic Church authority in Australia requires the institutions for which it is responsible, for example schools, to report to it all complaints or claims of child sexual abuse. As discussed above, because of the differing governance arrangements among Anglican Church dioceses, the Anglican Church complaints data does not include all complaints relating to institutions associated with the Anglican Church in Australia. For this reason it has not been possible to compare the results of different Anglican Church dioceses, or to compare the Anglican Church complaints data with the Catholic Church claims data.

Further, whether an institution had a redress scheme in place is likely to have affected the data. It is likely that the existence of Towards Healing and the Melbourne Response, both established in the mid-1990s, affected the number of claims of child sexual abuse made with respect to Catholic institutions, by providing mechanisms that enabled survivors to make claims for redress. The likely impact of the existence of these redress processes is evident in the Catholic Church claims data, which showed that only 1 per cent of child sexual abuse claims were received in the 1980s, while 77 per cent were received between 1 January 2000 and 28 February 2015.<sup>89</sup> As discussed above, the absence of a national redress scheme in the Anglican Church in Australia may have reduced the number of survivors coming forward to make a complaint of child sexual abuse to an Anglican Church diocese.

Finally, information gathered from survivors who attended private sessions has expanded our understanding of child sexual abuse in religious institutions, but should be considered in the context of the limitations described in Section 6.2.1 above. These include that private sessions did not use standard questions and attendees were able to choose how much or how little information they wished to discuss. In comparison, the Catholic Church claims data and the Anglican Church complaints data were collected using a survey tool which sought the same information in respect of each claim or complaint.

Comparison between the information collected through private sessions, the Catholic Church claims data and the Anglican Church complaints data is also limited by differing definitions of particular terms. For example, the categorisation of alleged perpetrators differed. In private sessions information, the term 'person in religious ministry' includes a minister of religion, priest, deacon, pastor, rabbi, Salvation Army officer, church elder, religious brother or sister and any other person recognised as a spiritual leader in a religious institution. The Catholic Church claims data distinguished between priests (either diocesan or religious), religious brothers and religious sisters. The Anglican Church complaints data distinguished between ordained clergy and lay people.

These various limitations mean that the Catholic Church claims data, the Anglican Church complaints data, and private sessions information should be considered separately. This volume therefore generally avoids making comparisons. While some comparisons are made in relation to particular variables such as the gender and age of victims, substantive comparison is limited.

# Endnotes

- 1 Name changed, private session, 'Wesley Peter'.
- 2 The number of claimants in the data report published in February 2017 (4,445 claimants) was reduced to 4,444 claimants in the revised data report published in June 2017. See Exhibit 50-0007, 'Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia', 6 February 2017, Case Study 50, REPT.0012.001.0001 at 0015; Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 13.
- 3 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 13. Some claimants made a claim of child sexual abuse to more than one Catholic Church authority.
- 4 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, June 2017, p 12. Some complainants made a complaint of child sexual abuse to more than one Anglican Church diocese.
- 5 Transcript of T Costelloe, Case Study 50, 23 February 2017 at 25995:12–17.
- 6 The number of claimants in the data report published in February 2017 (4,445 claimants) was reduced to 4,444 claimants in the revised data report published in June 2017. See Exhibit 50-0007, 'Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia', 6 February 2017, Case Study 50, REPT.0012.001.0001 at 0015; and see Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 13.
- 7 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 13. Some claimants made a claim of child sexual abuse to more than one Catholic Church authority.
- 8 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 12. Some complainants made a complaint of child sexual abuse to more than one Anglican Church diocese.
- 9 Transcript of D Hart, Case Study 50, 24 February 2017 at 26071:10–17.
- 10 Australian Institute of Family Studies, *The prevalence of child abuse and neglect*, Australian Institute of Family Studies, Canberra, 2017.
- 11 Australian Institute of Family Studies, *The prevalence of child abuse and neglect*, Australian Institute of Family Studies, Canberra, 2017.
- 12 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 48.
- 13 Australian Bureau of Statistics, 2012, *Personal Safety, Australia*, 2012, cat. no. 4906.0, viewed 10 October 2017, <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>>.
- 14 B Mathews, K Walsh, MP Dunne, I Katz, F Arney, DJ Higgins, O Octoman, S Parkinson & S Bates, *Scoping study for research into the prevalence of child abuse in Australia*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 2.
- 15 John Jay College of Criminal Justice, *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002*, United States Conference of Catholic Bishops, Washington DC, 2004.
- 16 John Jay College Research Team, *The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950–2010*, United States Conference of Catholic Bishops, Washington DC, 2011.
- 17 W Deetman, N Draijer, P Kalbfleisch, H Merckelbach, M Monteiro & G de Vries, *Sexual abuse of minors in the Roman Catholic Church: Extended version*, Commission of Inquiry into Sexual Abuse of Minors in the Roman Catholic Church, Amsterdam, 2011.18 P Parkinson, K Oates & A Jayakody, *Study of reported child sexual abuse in the Anglican Church*, Professional Standards Commission, Anglican Church of Australia, Sydney, 2009.
- 19 John Jay College of Criminal Justice, *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002*, United States Conference of Catholic Bishops, Washington DC, 2004.
- 20 John Jay College Research Team, *The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950–2010*, United States Conference of Catholic Bishops, Washington DC, 2011.
- 21 John Jay College of Criminal Justice, *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002*, United States Conference of Catholic Bishops, Washington DC, 2004, p 20. Allegation was defined in the report as '[a]ny accusation that is not implausible ... This includes allegations that did not necessarily result in a criminal, civil or diocesan investigation and allegations that are unsubstantiated'. An implausible allegation was 'one that could not possibly have happened under the given circumstances'.
- 22 John Jay College of Criminal Justice, *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002*, United States Conference of Catholic Bishops, Washington DC, 2004, p 3.
- 23 John Jay College of Criminal Justice, *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002*, United States Conference of Catholic Bishops, Washington DC, 2004, pp 4, 27–8; John Jay College Research Team, *The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950–2010*, United States Conference of Catholic Bishops, Washington DC, 2011, p 8.
- 24 John Jay College of Criminal Justice, *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002*, United States Conference of Catholic Bishops, Washington DC, 2004, p 4.
- 25 John Jay College Research Team, *The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950–2010*, United States Conference of Catholic Bishops, Washington DC, 2011, pp 9–10.
- 26 John Jay College Research Team, *The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950–2010*, United States Conference of Catholic Bishops, Washington DC, 2011, p 8.

27 John Jay College Research Team, *The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950–2010*, United States Conference of Catholic Bishops, Washington DC, 2011, p 9.

28 W Deetman, N Draijer, P Kalbfleisch, H Merckelbach, M Monteiro & G de Vries, *Sexual abuse of minors in the Roman Catholic Church: Extended version*, Commission of Inquiry into Sexual Abuse of Minors in the Roman Catholic Church, Amsterdam, 2011.

29 W Deetman, N Draijer, P Kalbfleisch, H Merckelbach, M Monteiro & G de Vries, *Sexual abuse of minors in the Roman Catholic Church: Extended version*, Commission of Inquiry into Sexual Abuse of Minors in the Roman Catholic Church, Amsterdam, 2011, s 3.4.

30 W Deetman, N Draijer, P Kalbfleisch, H Merckelbach, M Monteiro & G de Vries, *Sexual abuse of minors in the Roman Catholic Church: Extended version*, Commission of Inquiry into Sexual Abuse of Minors in the Roman Catholic Church, Amsterdam, 2011, s 3.4.2.

31 W Deetman, N Draijer, P Kalbfleisch, H Merckelbach, M Monteiro & G de Vries, *Sexual abuse of minors in the Roman Catholic Church: Extended version*, Commission of Inquiry into Sexual Abuse of Minors in the Roman Catholic Church, Amsterdam, 2011, s 3.4.3.

32 W Deetman, N Draijer, P Kalbfleisch, H Merckelbach, M Monteiro & G de Vries, *Sexual abuse of minors in the Roman Catholic Church: Extended version*, Commission of Inquiry into Sexual Abuse of Minors in the Roman Catholic Church, Amsterdam, 2011, s 3.4.3.

33 P Parkinson, K Oates & A Jayakody, *Study of reported child sexual abuse in the Anglican Church*, Professional Standards Commission, Anglican Church of Australia, Sydney, 2009.

34 P Parkinson, K Oates & A Jayakody, *Study of reported child sexual abuse in the Anglican Church*, Professional Standards Commission, Anglican Church of Australia, Sydney, 2009, p 4.

35 P Parkinson, K Oates & A Jayakody, *Study of reported child sexual abuse in the Anglican Church*, Professional Standards Commission, Anglican Church of Australia, Sydney, 2009, p 13.

36 P Parkinson, K Oates & A Jayakody, *Study of reported child sexual abuse in the Anglican Church*, Professional Standards Commission, Anglican Church of Australia, Sydney, 2009, p 5.

37 Transcript of F Sullivan, Case Study 50, 6 February 2017 at 24714:30–24715:27.

38 As permitted under legislation. See *Royal Commissions Act 1902* (Cth), s 6OJ(b).

39 The average time to disclosure is calculated from information provided during 4,817 private sessions that were held before July 2016.

40 J Cashmore, A Taylor & P Parkinson, *The impact of delayed reporting on the prosecution and outcomes of child sexual abuse cases*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 32.

41 Australian Bureau of Statistics, 2016, *Australian Standard Classification of Religious Groups*, cat. no. 1266.0, viewed 10 October 2017, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/1266.0>.

42 These included privately-run institutions such as a yoga ashram, a childcare centre, a medical practice or clinic, a music or dance school, a secular independent school or a sports club, as well as institutions managed by non-government or not-for-profit organisations. See Volume 2, *Nature and cause*, for further detail.

43 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017.

44 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017.

45 A revised version of the report detailing the Catholic Church claims data was tendered in June 2017: Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017; the earlier version of this data report that was published in February 2017 is no longer current: see Exhibit 50-0007, ‘Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia’, 6 February 2017, Case Study 50, REPT.0012.001.0001. The Anglican Church complaints data report was also subsequently replaced by an updated version in April 2017. See Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017; the earlier version of this report is no longer available.

46 John Jay College of Criminal Justice, *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002*, United States Conference of Catholic Bishops, Washington DC, 2004.

47 Exhibit 4-0001, ‘Towards Healing: Principles and Procedures in Responding to Complaints of Sexual Abuse Against Personnel of the Catholic Church in Australia’, December 1996, Case Study 4, CTJH.0001.001.0104.

48 These are the organisations responsible for completing the survey: an archdiocese, diocese, religious institute, public juridic person, lay association or personal prelatore.

49 Religious institutes include orders, congregations and societies of apostolic life. Individual members of these institutes live in community and commit themselves to lead a life of poverty, chastity and obedience.

50 A public juridic person is a legal entity under canon law that allows the Church’s ministries to function in the name of the Catholic Church.

51 A canonical structure of the Catholic Church which is personal as opposed to territorial. Personal prelatures are composed of clergy and presided over by a prelate (who may be a bishop). They may involve lay people in their work. The first and only personal prelatore in Australia is Opus Dei.

52 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, pp 8–9.

53 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 12.



54 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 12.

55 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 13.

56 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 15.

57 Exhibit 50-0021, 'Explanation Document – Proportion of Alleged Perpetrators – revised – June 2017', 1 June 2017, Case Study 50, CARC.0050.025.0283 at 0283.

58 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, pp 10–11.

59 Exhibit 50-0021, 'Explanation Document – Proportion of Alleged Perpetrators – revised – June 2017', 1 June 2017, Case Study 50, CARC.0050.025.0283 at 0283.

60 Exhibit 50-0021, 'Explanation Document – Proportion of Alleged Perpetrators – revised – June 2017', 1 June 2017, Case Study 50, CARC.0050.025.0283 at 0284.

61 Exhibit 50-0021, 'Explanation Document – Proportion of Alleged Perpetrators – revised – June 2017', 1 June 2017, Case Study 50, CARC.0050.025.0283 at 0284.

62 Exhibit 50-0021, 'Explanation Document – Proportion of Alleged Perpetrators – revised – June 2017', 1 June 2017, Case Study 50, CARC.0050.025.0283 at 0284.

63 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 16.

64 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 16.

65 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 16.

66 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 16.

67 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017.

68 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 64.

69 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 7.

70 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, pp 8–9.

71 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 12.

72 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 13.

73 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 13.

74 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 11.

75 Exhibit 52-0014, 'Redress for survivors of abuse canon 2017 – canon 8 2017', Case Study 52, SUBM.052.006.0067 at 0067–0068.

76 *Case Study 4: The experiences of four survivors with the Towards Healing process; Case Study 5: Response of The Salvation Army to child sexual abuse at its boys' homes in New South Wales and Queensland; Case Study 8: Mr John Ellis's experience of the Towards Healing process and civil litigation; Case Study 10: The Salvation Army's handling of claims of child sexual abuse 1989 to 2014; Case Study 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton; Case Study 16: The Melbourne Response; Case Study 28: Catholic Church authorities in Ballarat; Case Study 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse; Case Study 56: Institutional review of Uniting Church in Australia.*

77 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse*, Sydney, 2016, p 58.

78 An allegation included all reports, suspicions or concerns about child sexual abuse involving Uniting Church personnel in Australia or occurring within a Uniting Church institution in Australia, made by any person without redress being sought. It includes allegations of the child sexual abuse that were subsequently substantiated following an acceptance or investigation of the allegation; not investigated; or investigated and found to be unsubstantiated.

79 A claim was a claim of child sexual abuse made against Uniting Church in Australia personnel, or relating to Uniting Church in Australia institutions, by a claimant, or a solicitor or advocate on their behalf, seeking redress through an interim redress process or civil proceedings, whether ongoing, settled, or concluded without redress. It includes claims of the child sexual abuse that were subsequently substantiated following an acceptance or investigation of the allegation; not investigated; or investigated and found to be unsubstantiated.



- 80 Uniting Church personnel includes any current or former person in a specified ministry or any other person employed  
or appointed to a voluntary leadership position by a Council or Institution of the Uniting Church in Australia.
- 81 Exhibit 56-0004, 'Uniting Church letter to the Royal Commission and Data Summary October 2017', 16 October 2017,  
Case Study 56, UNI.018.001.0001.
- 82 Exhibit 56-0002, 'Uniting Church letter to the Royal Commission', 28 July 2017, Case Study 56, UNI.017.001.0001  
at 0001.
- 83 Exhibit 56-0004, 'Uniting Church letter to the Royal Commission and Data Summary October 2017', 16 October 2017,  
Case Study 56, UNI.018.001.0001 at 0005.
- 84 Exhibit 56-0004, 'Uniting Church letter to the Royal Commission and Data Summary October 2017', 16 October 2017,  
Case Study 56, UNI.018.001.0001 at 0005.
- 85 Exhibit 56-0004, 'Uniting Church letter to the Royal Commission and Data Summary October 2017', 16 October 2017,  
Case Study 56, UNI.018.001.0001 at 0005.
- 86 An anonymous telephone survey of 3,000 adults in Ireland found that, of those who reported being sexually abused  
as children, 41.2 per cent had never told anyone about this abuse. See H McGee, R Garavan, M de Barra, J Byrne &  
R Conroy, *The SAVI Report: Sexual abuse and violence in Ireland*, Liffey Press, Dublin, 2002, p 120.
- 87 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made  
with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 14; Royal Commission into Institutional  
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- 88 R Alaggia, 'Disclosing the trauma of child sexual abuse: A gender analysis', *Journal of Loss and Trauma*, vol 10,  
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of childhood rape: Results from a national survey', *Child Abuse & Neglect*, vol 24, no 2, 2000, pp 273–87.
- 89 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made  
with respect to Catholic Church institutions in Australia*, Sydney, June 2017, pp 26–7.

## 7 People we heard about in religious institutions

['Mr Baxter'] would take one boy at a time into this corridor where the gym equipment was stored ... I remember watching boys come out of that room and the look on their faces and the crying. The shuddering, not crying, because you couldn't make a noise. He would have smacked you up ... I went on to suffer a lot of bullying at school. They pissed on me. Smashed me on the head ... and getting bashed, a lot ... I didn't feel that the Brothers honoured a duty of care of me in any way, shape or form ... you know they're teaching all this stuff in the name of Jesus Christ. You would think you'd have some sort of honest bone in your body that you could at least say, 'You know what? This is not in the name of Jesus Christ'.<sup>1</sup>

**Private session, 'Trevor James'**

During our inquiry, in private sessions, written accounts and public hearings, we heard from many victims, survivors and their family members about child sexual abuse in religious institutions. In some public hearings, perpetrators of child sexual abuse or people subject to allegations gave evidence. We also heard from expert witnesses, drew on relevant research and gathered data.

This chapter discusses the key groups of people we heard from, or about, in relation to child sexual abuse in religious institutions – including victims and survivors, adult perpetrators and children with harmful sexual behaviours.

We outline what we learned about the age and gender of victims of child sexual abuse in religious institutions, as well as the date range and duration of the abuse they experienced. The survivors we heard from came from a diverse range of backgrounds, and each told us about their own personal experience. We discuss some of the experiences of abuse in religious contexts that we heard about most commonly. We also reflect what we heard about the experiences of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, and children with disability.

We then outline what we learned about the common characteristics of people who sexually abused children in religious institutions, including their age and gender and the positions they held. We discuss what we heard about adult perpetrators in religious institutions who were lay people, outline some common perpetrator typologies, and reflect what we heard from survivors about child sexual abuse by multiple adult perpetrators.

Finally, we discuss what we heard from survivors about children with harmful sexual behaviours in religious institutions.

## 7.1 Victims of child sexual abuse in religious institutions

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It hurts to think about it. You feel so awful, dirty and filthy, like you can never get clean sort of thing from it. When the sex act was finished, Lieutenant Wilson flogged me across the backside and said, 'Don't be saying anything to anybody about this. This is nothing to what you'll get'. The sexual abuse was continuous when I was in Riverview Boys Home. I was in Riverview Boys Home for about three years, up until I was 11.<sup>2</sup>

**Survivor, Mr Raymond Carlile**

As of 31 May 2017, 15,249 people had contacted us about child sexual abuse that fell within our Terms of Reference. Of these, 7,382 people (48.4 per cent) told us about child sexual abuse in religious institutions. Many who contacted us went on to attend a private session with a Commissioner. As of 31 May 2017, we had heard from 6,875 survivors in private sessions, 4,029 of whom (58.6 per cent) told us about child sexual abuse in religious institutions. Survivors also appeared as witnesses in most of our public hearings examining religious institutions.

The thousands of personal accounts we heard from victims and survivors were crucial in informing our understanding of people's experiences of child sexual abuse in religious institutions, their difficulties in disclosing the abuse, and the devastating impacts. These accounts also highlighted personal experiences of the institutional responses to the abuse, which in many cases were just as difficult to comprehend as the abuse itself. We acknowledge the immense strength and courage of victims and survivors, and their family members and representatives, in coming forward to share their experiences.

### 7.1.1 Age of victims

We were told about the sexual abuse of children of all ages in institutional contexts, including religious institutions. A child's age can be an important factor in their experience of abuse (see Volume 2, *Nature and cause*), the impacts of abuse (see Volume 3, *Impacts*) and their capacity to disclose abuse (see Volume 4, *Identifying and disclosing child sexual abuse*).

Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions, 86.7 per cent provided information about the victim's age at the time of first abuse. Of those, the average age of the victim at the time of first abuse was 10.3 years. The most common age range for victims at the time of first abuse was between 10 and 14 years. This is broadly consistent with what we heard from survivors who told us about child sexual abuse in institutions under other management. The exception was that the victims of child sexual abuse that we heard about in private sessions in relation to the Jehovah's Witnesses, were on average 8.4 years old at the time of first abuse.

More female than male survivors told us in private sessions that they were first abused when they were under 10 years old, across religious institutions and institutions under other management.

The Catholic Church claims data showed that the average age of the claimant at the time of the first alleged incident of child sexual abuse was 11.4 years for all claimants, 10.5 years for females and 11.6 years for males.<sup>3</sup>

The Anglican Church complaints data showed that the average age of the complainant at the time of the first alleged incident of child sexual abuse was approximately 11 years for both male and female complainants.<sup>4</sup>

### 7.1.2 Gender of victims

During private sessions, we heard about more male than female victims of child sexual abuse across all institutional contexts. Just under two-thirds (64.3 per cent) of the victims we heard about were male and just over one-third (35.4 per cent) were female. Five survivors (0.1 per cent) identified as gender diverse (for example, transgender or of non-binary gender).

This is consistent with research suggesting that historically, the majority of victims of sexual abuse in institutions were male, particularly in religious institutions.<sup>5</sup> However, girls are more likely than boys to be sexually abused across all other settings such as in the family or community, where most child sexual abuse occurs.<sup>6</sup> Research that we commissioned also suggested that girls were more likely to be the victims of child sexual abuse in contemporary institutional contexts.<sup>7</sup>

Of the victims of child sexual abuse in religious institutions that we heard about in private sessions, around seven in 10 (70.1 per cent) were male and around three in 10 (29.7 per cent) were female. Fewer than five survivors who told us about child sexual abuse in religious institutions identified as gender diverse.

The higher proportion of male victims in religious institutions may have been influenced by higher participation rates of boys than girls in many religious institutions in the past. Many religious institutions historically operated as single-sex male institutions. The Catholic Church, for example, which relied on members of religious orders to staff its institutions, favoured single-sex institutions such as orphanages and schools.<sup>8</sup> As most perpetrators of child sexual abuse are male, boys attending single-sex institutions may have faced an increased risk of child sexual abuse.<sup>9</sup> Further, research has suggested that perpetrators of child sexual abuse who target boys outside a family context often have more victims than perpetrators who target girls.<sup>10</sup>

Table 16.8 shows the gender of the victims we heard about in private sessions who were sexually abused as children in religious institutions, and for each religious organisation indicates the proportion of male and female victims. We heard about more male than female victims in relation to each religious organisation except the Jehovah’s Witnesses (80.0 per cent female victims) and Pentecostal churches (67.6 per cent female victims).

**Table 16.8 – Victims of child sexual abuse in religious institutions by gender and religious organisation, private sessions, May 2013–May 2017**

Religious organisation	Number of male victims	Proportion of male victims by religious organisation (%) <sup>a</sup>	Number of female victims	Proportion of female victims by religious organisation (%) <sup>a</sup>
Catholic	1,839	73.9	644	25.9
Anglican	454	76.4	139	23.4
Salvation Army	215	73.1	79	26.9
Uniting Church	66	68.0	31	32.0
Jehovah’s Witnesses	14	20.0	56	80.0
Pentecostal	12	32.4	25	67.6
Jewish	18	72.0	7	28.0

<sup>a</sup> Survivors who identified as gender diverse (fewer than five) and survivors who did not provide information about gender (six) are not included in this table, so the proportions may not sum to 100 per cent.

The Catholic Church claims data showed that far more males made a claim of child sexual abuse than females. Of those people who made a claim of child sexual abuse received by a Catholic Church authority, where gender was reported, 78 per cent were male and 22 per cent were female.<sup>11</sup>

Of all claims made against Catholic male religious institutes with only religious brother members (such as Christian Brothers or Marist Brothers), the overwhelming majority related to male victims (97 per cent).<sup>12</sup> Of all claims made to Catholic Church authorities about child sexual abuse occurring in a school, 85 per cent of claimants were male.<sup>13</sup> Of all claims made to Catholic Church authorities about child sexual abuse occurring in residential institutions, 81 per cent of claimants were male.<sup>14</sup>

The Anglican Church complaints data showed that of those people who made a complaint of child sexual abuse, where gender was reported, 75 per cent were male and 25 per cent were female.<sup>15</sup>

### 7.1.3 Date range of abuse

In private sessions 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.

Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions, 90.0 per cent (3,628 survivors) told us about abuse occurring before 1990 and 5.8 per cent (232 survivors) told us about abuse occurring from 1990 onwards. Some survivors did not discuss the date of abuse.

A considerable proportion of the survivors we heard from in private sessions told us about child sexual abuse in residential institutions managed by religious organisations, such as orphanages and missions, before 1990. Many of the large children's residential institutions in Australia were closed by the 1980s.<sup>16</sup>

While we heard in private sessions about more child sexual abuse that took place before 1990, this does not necessarily mean that rates of child sexual abuse in institutional settings have fallen since then. As discussed in Volume 2, *Nature and cause*, we lack the data needed to track how rates of abuse are changing over time.

Information gathered from private sessions may not represent the experience of all survivors of child sexual abuse in institutional contexts. In particular, it is likely to under-represent the number of survivors of more recent abuse, as discussed in Chapter 6, 'The extent of child sexual abuse in religious institutions'. Long delays in disclosing child sexual abuse are common, and survivors abused in the last 20 to 30 years may not yet have reported the abuse to authorities. The survivors we heard from in private sessions took, on average, 23.9 years to disclose that they had been sexually abused.<sup>17</sup>

The Catholic Church claims data showed that 86 per cent of claims involved alleged child sexual abuse that commenced in the period from 1950 to 1989 inclusive.<sup>18</sup> The largest proportion of first alleged incidents of child sexual abuse occurred in the 1970s (29 per cent of all claims with known dates).<sup>19</sup> However, the largest proportion of those claims that identified a residential institution identified first alleged incidents of child sexual abuse in the 1950s (more than 300 claims).<sup>20</sup>

The Anglican Church complaints data showed that 74 per cent of complaints involved alleged child sexual abuse starting in the period from 1950 to 1989 inclusive.<sup>21</sup> The largest proportion of first alleged incidents occurred in the 1970s (226 complaints or 25 per cent of all complaints with known dates).<sup>22</sup>

The Catholic Church claims data and the Anglican Church complaints data showed an average delay in making a claim or complaint (from the date of the first alleged incident of abuse) of 33 years and 29 years, respectively.<sup>23</sup> Some first disclosures may have been made earlier, but the data supports what previous research has shown: that delayed disclosure is common.<sup>24</sup>

#### 7.1.4 Frequency and duration of abuse

The frequency and duration of the child sexual abuse we heard about in private sessions were comparable across religious institutions and institutions under other management.

Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions, 3,739 survivors (92.8 per cent) provided information about the frequency of abuse. Of those, 3,306 survivors (88.4 per cent) told us about child sexual abuse in a single religious institution and 433 survivors (11.6 per cent) told us about child sexual abuse in multiple religious institutions.

Of those who told us about child sexual abuse in a single religious institution, most (2,749 survivors or 83.2 per cent) told us about multiple incidents of abuse in that institution. Fewer than one in five (557 survivors or 16.8 per cent) told us they experienced a single incident of abuse in a single religious institution.

Of those who told us about child sexual abuse in more than one religious institution, most (410 survivors or 94.7 per cent) told us about multiple incidents of abuse in at least one of those religious institutions.

Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions, 3,043 survivors (75.5 per cent) provided information about the duration of abuse. Of those, 1,652 survivors (54.3 per cent) told us about abuse lasting one year or less, 1,154 survivors (37.9 per cent) told us about abuse lasting between one and five years, and 372 survivors (12.2 per cent) told us about abuse lasting five years or longer.

The Catholic Church claims data showed that the average duration of abuse in Catholic institutions from the date of the first alleged incident to the date of the last alleged incident was 2.4 years.<sup>25</sup> Where this information was reported, in just over 53 per cent of claims the alleged abuse occurred in a single year.<sup>26</sup> In 13 per cent of claims the alleged abuse occurred over a period of five years or more.<sup>27</sup> Claims that related to residential institutions had the highest average duration of alleged abuse (3.7 years).<sup>28</sup>



The Anglican Church complaints data showed that, where the information was reported, the average duration of abuse was 1.7 years, with 61 per cent of complaints alleging that the abuse occurred in a single year.<sup>29</sup> In 11 per cent of complaints, the alleged abuse occurred over a period of five years or more.<sup>30</sup> Similar to Catholic Church claims data, the Anglican Church complaints data indicated that residential institutions had the highest average duration of alleged abuse (3.5 years).<sup>31</sup>

Volume 2, *Nature and cause*, discusses what we heard from survivors of child sexual abuse across all institutional settings about the frequency and duration of the abuse they experienced. Volume 3, *Impacts*, discusses characteristics of child sexual abuse, including its frequency and duration, which may influence the impacts experienced by victims.

### 7.1.5 Common victim experiences

Of the survivors of child sexual abuse in religious institutions we heard from in private sessions, the majority were male and the most common age range at the time of first abuse was between 10 and 14 years. Most survivors told us about multiple incidents of abuse and about adult male perpetrators.

Quantitative information derived from hearing the stories of thousands of survivors in private sessions is helpful in identifying some of the characteristics of victims that we heard about most frequently, and some common themes in their experiences of child sexual abuse. However, the survivors we heard from came from a diverse range of backgrounds and contexts, and each statistic quoted in this volume represents an individual who told us about their own personal – and often harrowing – experience.

Chapter 8, ‘Common contexts where child sexual abuse occurred in religious institutions’, discusses the key religious contexts in which we heard about child sexual abuse occurring – that is, religious schools, residential institutions managed by religious organisations, places of worship, and during religious activities or recreational activities affiliated with religious organisations. It details the nature and extent of abuse, and the victims and perpetrators we heard about, in relation to each key context. Some of the most common experiences that victims told us about are briefly outlined below.

We heard that many children experienced sexual abuse in religious schools, including day schools and boarding schools. The victims we heard about included children of both primary and secondary school age, and both boys and girls, although most were boys. Survivors told us about school cultures that permitted abuse and silenced victims.

We heard about children experiencing sexual abuse in various places on school grounds, such as classrooms, staff offices and playgrounds. Other survivors told us they experienced sexual abuse during school activities such as camps, or that they were sexually abused by people in religious ministry in church premises located on or next to school grounds. We heard that sometimes abuse occurred in the presence of other children.

We also heard that boarding schools were a particularly risky environment in which perpetrators had ready access to children, and that many children experienced sexual and other forms of abuse in school dormitories or in nearby staff bedrooms. Children's experiences of abuse in religious schools are discussed further in Section 8.2. Volume 13, *Schools*, examines institutional responses to child sexual abuse in schools more generally.

We also heard that many children experienced sexual abuse in residential institutions managed by religious organisations, including orphanages, children's homes and missions.

Social contexts, policy and legislation between the 1800s and 1990 meant that children from a range of backgrounds were sent to live in residential institutions. This included Aboriginal and Torres Strait Islander children forcibly removed from their families, child migrants, wards of the state, orphans and other children.<sup>32</sup> Multiple previous inquiries – including those focusing on the experiences of the Stolen Generations, Former Child Migrants and Forgotten Australians – have outlined the harsh conditions for children and the abuse of power by authorities in many residential institutions.<sup>33</sup>

Of the survivors of child sexual abuse in residential institutions managed by religious organisations before 1990 who we heard from in private sessions, around two-thirds were male and around one-third were female. We heard about children of various ages and from a range of backgrounds, including orphans or state wards, child migrants and children with disability. Around one in five survivors identified as Aboriginal or Torres Strait Islander.

We heard that children were particularly vulnerable in the context of residential institutions. Many of these institutions were located in remote places and children were often isolated and had little interaction with people outside the institution. Staff in these institutions often had unfettered access to children. We heard from survivors that, in addition to child sexual abuse, they often experienced physical abuse, emotional abuse or neglect, or were forced into child labour. We also heard that many victims in these contexts were abused by other children. Children's experiences of abuse in residential institutions managed by religious organisations are discussed further in Section 8.3. Volume 11, *Historical residential institutions*, discusses the experiences of children in residential institutions before 1990 in detail.

Other survivors told us they were sexually abused as children in places of worship or during religious activities, and some told us they experienced abuse during recreational activities affiliated with religious organisations. The victims we heard about included boys and girls of various ages and from different religious backgrounds.

Each religious organisation has its own places of worship and religious rituals and activities, which often involve children. We heard about children experiencing sexual abuse in various locations within or associated with places of worship, including a confessional, a priest's residence or a ritual bathhouse; in seminaries and houses of religious formation; during religious activities such as altar boy duties, Bible study or Sunday school; and during recreational activities such as church-run camps or youth groups. Children's experiences of abuse in these contexts are discussed further in Section 8.4.

Many of the perpetrators we heard about were people in religious ministry. We frequently heard about the trust and respect shown by religious communities and families to people in religious ministry, and how this was a factor in perpetrators gaining access to, grooming and abusing children. We heard about perpetrators who threatened their victims or blamed them for the abuse, often with religious overtones. Some survivors told us about child sexual abuse that involved the use of religious practices, rituals, symbols or language.

Chapter 9 discusses specific characteristics of child sexual abuse in religious institutions, particularly where the perpetrators were people in religious ministry.

### 7.1.6 Diversity and vulnerability

We heard from a wide range of people during our inquiry. The victims and survivors who came forward were from diverse backgrounds and had many different experiences. Factors such as gender, age, education, culture, sexuality or disability had affected their vulnerability and the institutional responses to the abuse they experienced. Certain types of institutional cultures and settings created heightened risks, and some children's lives brought them into contact with these institutions more than others.

While not inevitably more vulnerable to child sexual abuse, we heard that Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds were more likely to encounter circumstances that increased their risk of abuse in institutions, reduced their ability to disclose or report abuse and, if they did disclose or report, reduced their chances of receiving an adequate response.

We examined key concerns related to disability, cultural diversity and the unique context of Aboriginal and Torres Strait Islander experience, as part of our broader effort to understand what informs best practice institutional responses.

Of the 4,029 survivors we heard from in private sessions about child sexual abuse in religious institutions:

- 428 survivors (10.6 per cent) identified as Aboriginal or Torres Strait Islander
- 128 survivors (3.2 per cent) identified as being from a culturally or linguistically diverse background
- 122 survivors (3.0 per cent) told us they had disability at the time of the abuse.

The following sections discuss what we heard about the experiences of these victims. Chapter 8 also relates the experiences of these victims in discussing the key religious contexts in which we heard about child sexual abuse occurring, in particular residential institutions.

## Aboriginal and Torres Strait Islander victims

Aboriginal and Torres Strait Islander survivors represented 14.3 per cent of those who told us during private sessions about child sexual abuse in institutions generally, and 10.6 per cent of those who told us during private sessions about child sexual abuse in religious institutions.

Of all Aboriginal and Torres Strait Islander survivors who attended private sessions, 428 people (43.5 per cent), told us about child sexual abuse that occurred in religious institutions. Of those survivors, more than half (220 survivors or 51.4 per cent) told us about abuse in Catholic institutions, 51 survivors (11.9 per cent) told us about abuse in Anglican institutions, and 38 survivors (8.9 per cent) told us about abuse in Salvation Army institutions.

Chapter 5, 'Australian inquiries relating to child sexual abuse in religious institutions', and Volume 2, *Nature and cause*, discuss previous inquiries about the treatment of Aboriginal and Torres Strait Islander communities under Australian law, policy and practice from the early years of colonisation until the late 20<sup>th</sup> century. Research that we commissioned explains how this treatment exposed Aboriginal and Torres Strait Islander children to increased risks of abuse in institutional contexts.<sup>34</sup> The legacy of colonisation and the forced removal of thousands of children, now known as the Stolen Generations, was part of the experience of many of the Aboriginal and Torres Strait Islander survivors who came forward to us. This experience was examined in *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Bringing them home)*.<sup>35</sup>

The exact number of children forcibly removed is unknown, and the application of policies varied in intensity over time in each state. Documentation was insufficient, lost or never existed.<sup>36</sup> The *Bringing them home* report concluded that 'not one indigenous family has escaped the effects of forcible removal', and that 'Most families have been affected, in one or more generations, by the forcible removal of one or more children'.<sup>37</sup> In some communities, all the children were taken away in one sudden mass traumatic event.<sup>38</sup> Many children who were removed were

placed in institutions such as missions, reserves, orphanages and reformatory schools.<sup>39</sup> Many Aboriginal and Torres Strait Islander children were sent to and from these institutions on work placements as domestic servants or as labourers on pastoral stations, and later were sent to foster care placements.<sup>40</sup> A considerable number of these institutions were managed by religious organisations, although the oversight and regulation of the institutions fell to state and territory governments.<sup>41</sup> Residential institutions that housed Aboriginal and Torres Strait Islander children before 1990 are discussed further in Volume 11, *Historical residential institutions*.

In public hearings we heard about Aboriginal and Torres Strait Islander children who were sexually abused in religious institutions. In *Case Study 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home*, we heard evidence from 10 Aboriginal former residents about the sexual and physical abuse they suffered while living at the Retta Dixon Home between 1946 and 1980.<sup>42</sup> The Retta Dixon Home was managed by the Aborigines Inland Mission, an interdenominational faith ministry, now known as Australian Indigenous Ministries (AIM). In December 1947, the home was granted a licence by the Australian Government to be conducted as an ‘institution’ for ‘the maintenance, custody and care of aboriginal and half-caste children’. We were told about the impact on survivors of the loss of culture and Aboriginal identity. Many of the children who lived there now identify themselves as members of the Stolen Generations.<sup>43</sup>

During *Case Study 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph’s Orphanage, Neerkol (St Joseph’s Orphanage, Neerkol)*, we heard from Ms Diane Carpenter, an Aboriginal woman from Queensland. Ms Carpenter gave evidence that she was sexually abused by Father Michael Hayes, a visiting priest who ‘specifically looked after the Aboriginal children’ at Neerkol.<sup>44</sup> Ms Carpenter also told us that:

I was very brown, you know, black, and I was scrubbed with a scrubbing brush ... Sister Frances Regis saw that I was still dirty and she got the scrubbing brush, and I still have scars on my back today from that because it was really hard, and it was like somebody cutting me with a knife.<sup>45</sup>

Ms Carpenter told us that children were physically abused in reprisal for doing things they did not know were wrong. She said that on one occasion she was locked in an extremely hot room and to stay hydrated, she had to drink her own urine.<sup>46</sup> Once, she said, when she had wet the bed, a religious sister forced her to wear a nappy in front of the other girls.<sup>47</sup> Ms Carpenter also told us that she lost her sense of family when she was placed in the orphanage at Neerkol:

My five siblings and I were not allowed to mix at Neerkol and so I didn’t grow up with them. I feel like I don’t know what family is, which saddens me a lot. I also had a sixth sibling but he was given away at birth. I never knew him.<sup>48</sup>

In private sessions, Aboriginal and Torres Strait Islander survivors told us about their experiences of child sexual abuse in a number of other religious institutions. Many told us their culture was denigrated and they were separated from their community, as well as being sexually and physically abused.

‘Cecil Thomas’ told us that he remembered children suffering from frequent physical violence at the hands of the religious sisters, religious brothers and priests at a Benedictine-run mission in remote Western Australia in the late 1950s. ‘Cecil Thomas’ told us he was sexually abused on numerous occasions by the religious brothers and priests as well as older children. The mission was a harsh, cruel place for a 10-year-old and ‘Cecil Thomas’ also said that children were stripped of their Aboriginal identity. Aboriginal children were taught nothing of their culture at the mission. He told us, ‘That was one thing they never learned us, you know, about Aboriginal language or all that.’<sup>49</sup>

We also heard in a private session from ‘Colette’ who, as a four-year-old in the 1950s, was sent to a Catholic mission for Aboriginal children in the wheatbelt of Western Australia. She told us that she lived in constant fear, as extreme physical and psychological violence from the priests and religious sisters was routine. She said the children were viciously flogged, forced to do hard manual labour, and told they would burn in purgatory for their ‘sins’. ‘We were so scared ... That’s why I couldn’t say anything to anybody’, she explained. ‘Colette’ told us that in the 1960s several white teachers ‘came in from outside’. ‘Many of us had never seen white men before,’ she said. Two teachers, ‘Mr Sullivan’ and ‘Mr Wright’, were also violent, hitting the children with fists and blackboard dusters – and sexually abusing the girls too. ‘Colette’ said that ‘Mr Sullivan’ would approach her from behind and grind his penis against her until he ejaculated. She told us that this abuse happened many times. ‘Colette’ said that ‘Mr Wright’ separated the students by their skin colour. The kids with darker skin, like ‘Colette’, were sent to sit in the ‘dunce’s corner’ and not given proper lessons. Although the students had all previously been friends, ‘Colette’ said the fairer kids started to ridicule the Aboriginal children as the teachers did, calling them ‘blackie’ and ‘camp dogs’. ‘Colette’ said: ‘I remember we used to stand in front of the mirror with our cake of sand-soap and brush, and try to wash the black off us, so our sisters would talk to us again.’<sup>50</sup> ‘Colette’ left the mission at the age of 14 to work as a domestic servant. She said she could barely count, did not know how to catch a bus, and had no self-confidence:

I had nothing going for me. I couldn’t talk to anyone ... I had no dress sense. I suffered with shakes all over me. I couldn’t face white men, or any other white people for that matter. I couldn’t read or write. I couldn’t even tell the time.<sup>51</sup>

Volume 5, *Private sessions*, describes common themes that emerged from private sessions held with Aboriginal and Torres Strait Islander survivors of child sexual abuse. In Chapter 10, ‘Impacts of child sexual abuse in religious institutions’, we discuss the particular impacts of child sexual abuse in religious institutions on Aboriginal and Torres Strait Islander communities.

## Victims from culturally and linguistically diverse backgrounds

During our inquiry, we heard from some survivors of child sexual abuse in institutional contexts who were from culturally and linguistically diverse backgrounds, who were not Aboriginal or Torres Strait Islander. In this context, ‘culturally and linguistically diverse’ refers to backgrounds where the cultural heritage is different from that of the dominant Australian culture.<sup>52</sup> We engaged with leaders from diverse community and religious groups, and conducted a number of multicultural community forums. However, relatively few survivors from culturally and linguistically diverse backgrounds attended private sessions. Barriers to disclosure for people from culturally and linguistically diverse backgrounds may have prevented some from coming forward. These barriers are discussed in Volume 4, *Identifying and disclosing child sexual abuse*.

When survivors attended private sessions they were not prompted to disclose their cultural or linguistic backgrounds, and this information was only recorded if offered. Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions, 128 survivors (3.2 per cent) were from a culturally or linguistically diverse background.

Some of those survivors told us about experiencing sexual abuse by religious leaders. They told us they felt that these perpetrators had groomed their families, under the guise of providing spiritual guidance or pastoral care.

‘Alberto’ told us he was 11 years old when he came to Australia with his family to escape religious persecution.<sup>53</sup> His parents ‘gave up a lot to live a life of Christian values and to come to a country where it was safe to be a Christian’. From the time he arrived at his new Catholic school in Sydney in the 1960s, ‘Alberto’ said he was bullied and called names by other students. He told us that when ‘Father Lloyd’ took him aside to give him extra tutoring, the perceived act of kindness was a welcome relief. ‘Alberto’ said he initially found the attention affirming but as time progressed, ‘Father Lloyd’s’ contact became more physical and intimidating and went from touching and groping to rape. Over three years, ‘Alberto’ said he was repeatedly raped by ‘Father Lloyd’. ‘Alberto’ described how ‘Father Lloyd’ gradually established trust by appearing to be caring and concerned about his welfare, then used his knowledge of ‘Alberto’s’ family circumstances to silence him:

He knew my mother had a drinking and prescribed medication problem. He knew my father was working really hard to have a second go at being a success. He actually said to not to tell them about the time he and I were spending together because it would hurt them.<sup>54</sup>

Other survivors from culturally and linguistically diverse backgrounds spoke of the isolation their families experienced after moving to a new country where the language and culture were very different. The process of resettling was difficult for many families.



'Arlo' and his family migrated to Australia from Italy in the early 1950s when he was an infant. He said his mother 'got very sick' soon after they arrived and was admitted to a psychiatric facility. As 'Arlo' explained: 'It wasn't a very good environment for my mother, who'd come from a small village, to this place where she didn't have many friends, and she couldn't speak the language.' 'Arlo's' father had to work and was unable to care for him and his siblings. 'Arlo' said he was separated from his siblings and placed in a home run by an order of Catholic sisters, where he was physically abused. 'Arlo' told us that he was moved from the home and placed in another run by an order of Catholic brothers. 'Arlo' said that he was initially happy to have left the home run by the sisters but that the happiness was short-lived, as he was sexually abused by two of the brothers.<sup>55</sup>

'Lucia' told us in a private session that she came from a migrant family where English was not spoken at home. In the mid-1970s, when she was six, she attended English remedial classes with five or six other children at her local Catholic primary school in Melbourne. 'Mr Constable' held the English language classes in the staff room, with the children sitting on chairs in a circle. 'Lucia' told us that 'Mr Constable' would place a child on his lap, hold them tightly and touch them inappropriately, both inside and outside their clothing, while they were reading. She told us that she did not realise that what 'Mr Constable' was doing was wrong, 'but I remember ... feeling uncomfortable, but not knowing why it was uncomfortable.'<sup>56</sup>

We heard from some survivors from culturally and linguistically diverse backgrounds who experienced child sexual abuse in religious institutions in Australia after arriving as child migrants. Often child migrants were placed in residential institutions managed by churches, particularly the Catholic Church.<sup>57</sup>

We heard from former child migrants in *Case Study 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School (Christian Brothers)*. One former child migrant from Malta, VG, gave evidence that his widowed mother was told by the local priest about a scheme that promised free education to children of sole parents sent to Australia under the care of the Catholic Church. Another child migrant from Malta, Mr Raphael Ellul, recalled being told as a child in Malta that he was going to Australia to get a better education and a better life.<sup>58</sup>

VG told us that when he arrived at St Mary's Agricultural School Tardun run by the Christian Brothers in Western Australia in the early 1960s he was not provided with an education as promised, but instead was put to work on a farm. VG wrote to his mother but as there were no post boxes at Tardun he had to give the letter to one of the religious brothers. He never received a response.<sup>59</sup> Years later, he was asked by a Maltese delegate visiting Tardun why he had never written a letter home. He burst into tears, and replied that he had. VG said that when he returned to Malta in 1972, he still did not feel free from Tardun because he had to pretend he was qualified so his mother would never find out what had really happened.<sup>60</sup> He had been affected throughout his life by years of brutal physical and sexual abuse by Christian Brothers at Tardun, along with other aspects of his experience there.<sup>61</sup>

Maltese child migrants had an additional challenge to other children in these residential institutions because they could not speak English. For example, Mr Ellul told us during the *Christian Brothers* public hearing that:

I remember that if I was heard by a Brother to say anything in Maltese, I was smacked, hit with a strap and sometimes punched with a fist. Maltese was the only language I knew at that time. I didn't know any English.<sup>62</sup>

The experiences of children in residential institutions are discussed further in Chapter 8 and in Volume 11, *Historical residential institutions*. Common themes emerging from private sessions held with survivors from culturally and linguistically diverse backgrounds are discussed in Volume 5, *Private sessions*.

## Victims with disability

In private sessions and public hearings we heard from people with disability who were sexually abused as children in institutional contexts, including religious institutions. Many had cognitive or intellectual impairments; others had physical, sensory and psycho-social disabilities. We also heard from parents and carers of survivors with disability.

Volume 2, *Nature and cause* outlines what we learned about children with disability who experienced sexual abuse in institutional contexts. It discusses research suggesting that children with disability are around three times more likely to be sexually abused than children without disability,<sup>63</sup> and considers reasons why children with disability face a greater risk of child sexual abuse in institutional contexts.

Children with high support needs often rely on professionals for daily care and can be more dependent on institutions than other children.<sup>64</sup> Many institutions providing services for children with disability have been managed by religious organisations in Australia.<sup>65</sup>

It is difficult to accurately identify how many of the victims we heard from or about had disability at the time of the sexual abuse, as a person's disability may change over time and may not have been identified when they were abused, or may not have been perceived as relevant by the person who told us about the abuse.

Of the 6,875 survivors we heard from in all private sessions, 293 survivors (4.3 per cent) told us that the victim had disability at the time of the sexual abuse. It is likely this figure under-reports the number of children with disability who were sexually abused in institutional contexts. Of those 293 survivors, 122 (41.6 per cent) told us about abuse that occurred in religious institutions. The highest proportion of those 122 survivors told us about abuse in Catholic institutions (60.7 per cent), followed by Anglican institutions (13.9 per cent).

In private sessions we heard about the tactics perpetrators used to sexually abuse children with disability. We heard that perpetrators often took advantage of children under the guise of conducting activities that were otherwise part of their role, or were considered appropriate in the care of children with disability. We also heard that perpetrators had ready access to children with disability, which allowed sexual abuse to occur. Some survivors indicated that as children, they required assistance with daily activities such as bathing and dressing, and that perpetrators would join them in the bath or shower to sexually abuse them.

‘Noel Henry’ was born in Western Australia with a physical disability that impaired his capacity to walk. He told us that at the age of seven, in the late 1960s, he was placed in an Aboriginal mission managed by the Catholic Church where he was sexually abused several times a week by an unnamed priest. He said that the sexual abuse started as fondling and escalated to rape, often occurring in the shower and sometimes in his bed at night. He told us that there was little he could do to prevent the abuse from occurring because of his physical disability. ‘If I resisted, which I did, he would simply just pick me up. And if I went to shout he would put his hand over my mouth’, he said. ‘Noel Henry’ told us that the priest would then take him to his bedroom and make him perform ‘all these acts’.<sup>66</sup>

In case studies we heard from parents of children with disability about their children being sexually abused in religious institutions, about their children’s difficulties communicating about the abuse, and about the impacts of the abuse.

In *Case Study 9: The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann’s Special School*, we heard that a number of students with disability were sexually abused by Brian Perkins, the school’s bus driver, from the time when Perkins was first employed at the school, likely in 1986, until 1991 when he was investigated by police.<sup>67</sup> Section 13.9, ‘Catholic Church responses to victims and survivors after the development of national procedures’, and Section 13.10, ‘Catholic Church responses to child sexual abuse in schools’, discuss the institutional responses to this child sexual abuse.

In *Case Study 41: Institutional responses to allegations of the sexual abuse of children with disability* we heard from CIC, whose daughter, CIB, had an intellectual disability. CIB never learned to read or write and had trouble communicating.<sup>68</sup> In early 1991, when she was 13 years old, CIB became a weekly boarder at the Mater Dei School in Camden, New South Wales, a co-educational Catholic school for children with intellectual disability. CIB boarded at the school’s Arnold Avenue Cottage along with three boys.<sup>69</sup> The cottage house parent or ‘resident social educator’ at the time was CID. CIC understood that house parents were responsible for students in Mater Dei’s residential homes and that their duties included washing, cleaning, making meals for the children and generally looking after them as a parent would. CIC recalled that CID was on duty at the cottage overnight.<sup>70</sup> We heard evidence that CID allegedly sexually abused CIB and two other victims with disability at Arnold Avenue Cottage.<sup>71</sup>

Within months of CIB starting at the school, CIC noticed changes in her behaviour.<sup>72</sup> One Friday afternoon in late May 1991, CIC collected CIB from school as usual. The following day, CIB suffered rectal haemorrhaging and was taken to hospital where she underwent an operation.<sup>73</sup> CIC told us that afterwards, the surgeon told her the injury was consistent with sexual assault.<sup>74</sup>

CIC gave evidence that she asked CIB if CID had hurt her. CIB did not say anything. CIC found this very unusual because CIB was usually chatty and hyperactive.<sup>75</sup> As a result of her daughter's unusual behaviour, a phone call she received from CID when CIB was in hospital, and what she had been told by the surgeon, CIC became very concerned that CID had abused CIB.<sup>76</sup> CIC gave evidence that:

It is so easy for people in positions of trust to abuse children under their care because they know a disabled child may not be able to communicate and report their abuse as easily as others can.<sup>77</sup>

CIC told us that after the abuse in 1991, CIB was diagnosed with schizophrenia. Before the abuse, CIC told us, CIB showed no signs of mental health issues.<sup>78</sup>

We also heard about a number of other religious institutions where children with disability were sexually abused. We could not examine all of these institutions in public hearings. In some instances, this was because there were ongoing criminal proceedings in relation to certain alleged perpetrators. This was the case in relation to the Hospitaller Order of St John of God (St John of God Brothers), which ran a number of residential institutions for children with disability.

The Catholic Church claims data showed that 74 people made claims received by the St John of God Brothers.<sup>79</sup> Forty-one claims alleged sexual abuse at the Kendall Grange facility run by the St John of God Brothers in Morisset Park, New South Wales.<sup>80</sup> Kendall Grange was established by the St John of God Brothers in 1948 as a residential school for boys with intellectual disability.<sup>81</sup> The Cheltenham Residential Training Centre in Victoria, established to house around 100 Catholic boys aged seven to 16 with mild intellectual disability, was identified in 23 claims of child sexual abuse in the Catholic Church claims data.<sup>82</sup>

We also heard during private sessions about child sexual abuse in St John of God Brothers institutions. 'Julianna' told us her son 'Sean', who had a mild intellectual disability, was a weekly resident at a St John of God Brothers facility in Victoria in the 1980s, from when he was 16 years old. She said that over time, his behaviour changed. He went from a 'nice, chirpy sort of happy person' to someone who was withdrawn and fearful. 'Julianna' said that one weekend she told 'Sean' that he would get sick if he didn't perk up. A friend of 'Sean's', who was at the house at the time, told 'Julianna' it was the fault of one of the religious brothers because of 'what he does' to 'Sean'. 'Julianna' asked 'Sean' if this was true and said that he replied, 'Yes, he does rude things, but I'm not allowed to tell you what happens up there or else I'll get bashed.'<sup>83</sup>

‘Carly’ told us in a private session about her brother ‘Denis’, who had an intellectual disability. He was placed in a St John of God Brothers facility when he was seven years old in the 1960s. For the next 30 years ‘Denis’ lived in various residential facilities and community-based homes run by the Brothers. No one knows exactly when ‘Denis’ was first sexually abused as he does not have the verbal skills to communicate this information, but ‘Carly’ and her siblings believe that it was from when he was first placed in residential care. When ‘Denis’ came home on weekends, he would wake up screaming from nightmares and often slept under the bed. He also developed overtly sexualised behaviour and would clean his anus with a toothbrush. He frequently refused to return to the facility. ‘We saw the behaviour but we didn’t ever link it to being [sexually abused]’, ‘Carly’ told us. ‘And I think one of the issues is that people with disabilities, when they display those behaviours, it is seen as being part of the disability.’<sup>84</sup>

Volume 4, *Identifying and disclosing child sexual abuse*, discusses issues relating to the identification and disclosure of child sexual abuse in cases where victims have disability. Volume 5, *Private sessions*, discusses common themes that emerged from private sessions held with survivors with disability and their parents or carers. Volume 9, *Advocacy, support and therapeutic treatment services*, describes the need for improved service system responses to meet the support needs of survivors with disability. Our *Criminal justice* report examines the challenges faced by people with disability in accessing the criminal justice system, and the supports necessary for people with disability to participate in legal processes or achieve justice through the criminal justice system.<sup>85</sup>

## 7.2 People who sexually abused children in religious institutions

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I knew it was wrong, I didn’t want to, you know, participate in it in any way ... I just wanted it to stop. That happened in the sacristy quite a few times ... At the time I was sort of ashamed. Didn’t really want to talk about it or discuss it. I never told anybody at the time because it would’ve broken my mother’s heart, I think. She was a strict Catholic and the priest was, you know, up on a pedestal to be admired, and they couldn’t do anything wrong in her eyes ... I’ve never told her.<sup>86</sup>

**Private session, ‘Kerr’**

Volume 2, *Nature and cause*, discusses what we learned about perpetrators of child sexual abuse in institutional contexts. This section details what we learned about the general characteristics of those who perpetrated child sexual abuse in religious institutions. Much of our understanding has been informed by what survivors told us in private sessions and public hearings.

We also gathered data from the Catholic and Anglican churches, and heard directly from a small number of perpetrators of child sexual abuse in religious institutions and from relevant experts.

We are not able to provide a definitive number of perpetrators of child sexual abuse that we were told about during our inquiry. This is because, in some cases, survivors did not identify the individuals responsible for the abuse.

If we received information relating to potential contraventions of Australian law, we made referrals to police in cases where the alleged perpetrator could have been alive and the survivor wished us to report the matter. There were many cases where the alleged perpetrator was either known to be, or was almost certainly, deceased. If there was a prospective risk to any child a referral was made irrespective of the wish of the survivor. As of 31 July 2017, we had made 2,252 referrals to police, and police had laid charges in a number of cases. Of those 2,252 referrals, 1,229 related to child sexual abuse in religious institutions. Of the 1,229 referrals relating to child sexual abuse in religious institutions, 551 related to the Jehovah's Witness organisation, 417 related to Catholic institutions, 103 related to Anglican institutions, 28 related to Salvation Army institutions, six related to Jewish institutions and five related to Pentecostal institutions.

The high number of referrals relating to the Jehovah's Witness organisation stemmed from documents produced by Watchtower Australia for *Case Study 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse*. These documents included case files relating to 1,006 alleged perpetrators of child sexual abuse, many of whom had not been reported to authorities.<sup>87</sup> This is discussed further in Chapter 15.

The Catholic Church claims data identified 1,880 known alleged perpetrators.<sup>88</sup> Additionally, 530 people whose identities were not known were the subject of a claim of child sexual abuse.<sup>89</sup> The majority of the alleged perpetrators identified were people in religious ministry (priests, religious brothers and religious sisters).<sup>90</sup>

The Anglican Church complaints data identified 569 known alleged perpetrators.<sup>91</sup> Additionally, 133 people whose identities were not known were the subject of a complaint of child sexual abuse.<sup>92</sup> Of all known alleged perpetrators half were lay people and nearly half were ordained clergy.<sup>93</sup>

There is no typical profile of a person who sexually abuses children; perpetrators have diverse behaviours and motivations.<sup>94</sup> However, some characteristics are common to the perpetrators we heard about who abused children in a religious context, and they are discussed in Section 7.2.5 below.

### 7.2.1 Age of people who sexually abused children in religious institutions

In private sessions we heard that children were sexually abused in institutional contexts by perpetrators of various ages. Of the 4,029 survivors who told us about child sexual abuse in religious institutions, the majority (2,533 survivors or 62.9 per cent) provided information about the age of the person that sexually abused them. Of those, 2,164 survivors (85.4 per cent) told us about abuse by an adult perpetrator. This was comparable to the proportion of those who told us about child sexual abuse in institutions under other management, where 80.3 per cent of those who provided information about the age of the person who sexually abused them told us about abuse by an adult perpetrator.

Of the 2,533 survivors who told us during private sessions about child sexual abuse in religious institutions and who provided information about the age of the person who abused them, 498 survivors (19.7 per cent) told us they were sexually abused by another child (under 18 years). In comparison, 28.7 per cent of survivors told us about sexual abuse by another child in institutions under other management (where information about the age of the person who abused them was provided). Children with harmful sexual behaviours in religious institutions are discussed in Section 7.3.

Table 16.9 shows the number and proportion of survivors we heard from in private sessions who told us about child sexual abuse by adults and by other children (where the information was provided), for each religious organisation. For example, the table shows that of the survivors who provided information about the age of the person who abused them, 82.2 per cent of those who told us about child sexual abuse in Anglican institutions told us about abuse by an adult. The exact number and proportion of survivors in private sessions has not been provided where there were fewer than five survivors, as this could lead to a survivor being identified.

**Table 16.9 – Number and proportion of survivors who told us about sexual abuse by adults and by other children, by religious organisation (where the information was provided), private sessions, May 2013–May 2017**

	Number of survivors who told us about an adult perpetrator	Proportion of survivors who told us about an adult perpetrator (%)	Number of survivors who told us about a child with harmful sexual behaviour	Proportion of survivors who told us about a child with harmful sexual behaviour (%)
Catholic	1,334	89.6	199	13.4
Anglican	309	82.2	90	23.9
Salvation Army	126	72.4	71	40.8
Uniting Church	66	86.8	15	19.7
Jehovah’s Witnesses	44	83.0	12	22.6
Pentecostal	27	96.4	<5	3–5
Jewish	16	84.2	<5	20–25

Note: 5.1 per cent of survivors who told us about child sexual abuse in religious institutions (and who provided information about the age of the person who abused them) told us about abuse by both an adult and a child, so the sum of the proportions exceeds 100 per cent.



Research has shown that perpetrators start offending at various ages, although some age ranges are more common.<sup>95</sup> For example, a literature review that we commissioned found that many adult perpetrators were in their late twenties or early thirties when they first committed sexual abuse of children aged between 11 and 15 years old.<sup>96</sup> Other research has suggested that, while some perpetrators of child sexual abuse may begin offending in adolescence and early adulthood, a substantial number of perpetrators start sexually offending in their mid to late thirties.<sup>97</sup>

The Catholic Church claims data showed that the average age of alleged perpetrators was 37 years, with 31 per cent under 30 years of age and 69 per cent aged 30 years or older at the time of the first reported incident of alleged child sexual abuse.<sup>98</sup>

The Anglican Church complaints data showed the average age of alleged perpetrators at the time of the first alleged incident of child sexual abuse (where this information was reported) was 43 years.<sup>99</sup>

## 7.2.2 Gender of adult perpetrators

Of the 2,164 survivors who told us in private sessions about child sexual abuse by adult perpetrators in religious institutions, 2,063 survivors (95.3 per cent) told us about abuse by a male adult. This was consistent with what we heard in private sessions in relation to institutions under other management. Of the 1,872 survivors who told us about child sexual abuse by adult perpetrators in institutions under other management, 94.4 per cent said they were abused by a male adult.

Far fewer survivors who told us about child sexual abuse by adult perpetrators in religious institutions told us about abuse by a female adult (139 survivors or 6.4 per cent), and 50 survivors (2.3 per cent) said they were abused by both a male adult and a female adult.

The information provided by survivors during private sessions about the gender of perpetrators is broadly consistent with research which suggested that most perpetrators of child sexual abuse are adult males.<sup>100</sup> Volume 2, *Nature and cause* discusses research on the gender of adult perpetrators of child sexual abuse.

The Catholic Church claims data showed that, overall, 90 per cent of alleged perpetrators were male and 10 per cent were female.<sup>101</sup> Of the alleged perpetrators who were non-ordained religious members, 83 per cent were religious brothers and 17 per cent were religious sisters.<sup>102</sup> Of the alleged perpetrators who were lay people, 91 per cent were male and 9 per cent were female.<sup>103</sup>

The Catholic Church claims data showed that of all people who made claims of child sexual abuse, 94 per cent made allegations about abuse by males only; 3 per cent made allegations about abuse by females only; and 2 per cent made allegations about abuse by both males and females. The gender of alleged perpetrators in 1 per cent of cases was unknown.<sup>104</sup>

The Catholic Church claims data also indicated that male alleged perpetrators were the subject of a higher number of claims than females.<sup>105</sup> The average number of claims per alleged perpetrator was highest for religious brothers, with an average of 3.7 claims per religious brother.<sup>106</sup> Religious priests were the group with the next highest average number of claims against them per alleged perpetrator, with 3.3 claims per religious priest.<sup>107</sup>

The Anglican Church complaints data showed that overall, 94 per cent of alleged perpetrators were male and 6 per cent were female.<sup>108</sup> Of the alleged perpetrators who were lay people, 9 per cent were female.<sup>109</sup> Nearly 98 per cent of complainants made allegations against male alleged perpetrators only and 2 per cent made allegations against female alleged perpetrators only.<sup>110</sup> Three complainants made allegations that identified both a male and a female alleged perpetrator (0.3 per cent).<sup>111</sup>

## Female adult perpetrators

Because most of the adult perpetrators of child sexual abuse in religious institutions that we heard about were male, many of the survivor experiences discussed across this part and the institutional responses discussed in Part D relate to male adult perpetrators. As noted above, only 6.4 per cent of survivors told us about child sexual abuse by female adults. Some of these survivors' experiences are set out below.

Research has suggested that women may perpetrate between 6 and 11 per cent of child sexual abuse across all settings.<sup>112</sup> A research summary published by the former Australian Centre for the Study of Sexual Assault reported that the general consensus is that around 5 per cent of sex offences are committed by women, but noted that prevalence statistics are difficult to accurately estimate.<sup>113</sup> Gender-related barriers to disclosure may mean that more women sexually abuse children than is reported.<sup>114</sup> There may be a reluctance to accept that women are capable of child sexual abuse, potentially rendering some of this abuse invisible.<sup>115</sup> Volume 4, *Identifying and disclosing child sexual abuse*, discusses barriers to disclosure.

Comprehensive research into female perpetrators of child sexual abuse is lacking, and research regarding the gender of perpetrators in religious institutions is also limited.<sup>116</sup> As discussed in Volume 2, *Nature and cause*, much of the research on adult perpetrators of child sexual abuse in institutional contexts has focused on abuse by ordained clergy, particularly Catholic clergy, who are exclusively male.<sup>117</sup>

Of the 139 survivors who told us in private sessions about child sexual abuse by female adults in religious institutions, most (80 survivors or 57.6 per cent) told us the abuse took place in residential institutions before 1990 and around one-quarter (36 survivors or 25.9 per cent) told us it took place in religious schools. Smaller numbers of survivors told us the abuse occurred in places of worship or during religious activities. Most survivors told us about female adult perpetrators in Catholic institutions (74 survivors or 53.2 per cent), followed by Salvation Army institutions (18 survivors or 12.9 per cent), Anglican institutions (13 survivors or 9.4 per cent) and others.

In *Case Study 50: Institutional review of Catholic Church authorities*, Dr Gerardine Robinson, clinical psychologist, gave evidence that:

Typically in the broader social, secular world, we used to think that women didn't perpetrate sexual abuse. They do, but certainly not to the degree that men do. Often if women are feeling unsatisfied, they will be more cruel and punitive to children.<sup>118</sup>

In private sessions, survivors who told us about child sexual abuse by female perpetrators in religious institutions frequently told us the abuse occurred in the context of degrading, humiliating and often violent punishments, particularly within residential institutions and orphanages.

'Brian John', a survivor who spent time in a Salvation Army home in the 1950s, told us in a private session about the cruelty of the matron in charge:

'Matron Daly' was the most vicious female I've ever come across. Can you imagine 200 boys lined up in the quadrangle in the middle of winter, stark naked waiting for a shower – six showers? And she'd march up and down the aisle in front of the boys. And as teenage boys would be, occasionally they stand to attention. Possibly you've never seen a boy whacked on the willy with a cane, with the willy turning black. And she would smile.<sup>119</sup>

In private sessions, some survivors told us they were sexually abused by the woman who was also their primary caregiver, particularly in residential institutions.

'Alastair' spent some years during the 1950s in a children's home managed by a Christian group in South Australia. He told us in a private session that the housemistress would sit on his bed at night and hold his hand and chat while the other boys were asleep. One night when he was about 10 she invited him into her quarters, gave him alcohol and a cigarette, and then started fondling him.<sup>120</sup>

'Donald Steven' told us that in the late 1960s when he was about 10 years old he was placed in an Anglican Church-run home with 16 other boys. He said the house mother was physically and sexually abusive. She would come into his bedroom and 'do sexual acts' to him, and when her husband was away she took 'Donald Steven' to her room and sexually abused him there. 'The mother used to give biscuits and tubes of condensed milk to boys who she wanted to manipulate. "Anything out of the pantry, take your pick, whatever you want – as long as you do what I want you to do."<sup>121</sup>

Some survivors of child sexual abuse in religious institutions told us they believed that female adults had enabled or facilitated sexual abuse of children by male adult perpetrators.

In *Case Study 28: Catholic Church authorities in Ballarat (Catholic Church authorities in Ballarat)*, Mr Gordon Hill gave evidence about living at St Joseph's Orphanage in Ballarat, Victoria, in the late 1940s and 1950s. Mr Hill told us about an incident of sexual abuse by the parish priest. He said that one day he 'was cleaning the tile staircase when one of the nuns grabbed me by the ears and said, "Father wants to cleanse you"'.<sup>122</sup> Mr Hill said he was taken to a room where the priest gave him a drink and he then blacked out. When he regained consciousness, he had injuries to his body, including his genitals:

When I woke up, the priest told me to get out and pushed me out the door, where the nun, who had told me to go to the priest, was waiting outside. She was laughing – big joke to her – and told me to get back to work, maybe because I was walking funny and my bum hurt so much.<sup>123</sup>

In the *St Joseph's Orphanage, Neerkol* case study, we heard evidence from survivors of the harsh conditions, physical punishment and sexual abuse they experienced while living at the orphanage.<sup>124</sup> One survivor, Mr David Owen, gave evidence that he was repeatedly sexually abused by Father John Anderson during the time he lived there in the 1940s until the mid-1950s.<sup>125</sup> Mr Owen said that sometimes the abuse took place at the presbytery at the orphanage. He told us that after rosary, boys were marched back to the dormitory and lined up in front of the nuns, and that:

you would be saying to yourself, 'Oh, I hope my number doesn't get called out', you know, and the next thing, you would hear, '34, Dave Owen, you are wanted at the presbytery'. You know. You wouldn't go, you would just stand there, you know, and a nun would grab you and take you over to the presbytery and then, when she would get you there, she would say, 'Now, you be a good boy for Father Anderson'.<sup>126</sup>

### 7.2.3 Positions held by perpetrators

The perpetrators of child sexual abuse we were told about held a wide variety of positions within religious institutions. Most held a position of leadership or authority. Some held multiple positions, for example people in religious ministry who were also teachers or held positions in residential institutions. Some survivors told us about multiple perpetrators with different positions.

Most of the 4,029 survivors who told us in private sessions that they were sexually abused in religious institutions spoke about the position held by the perpetrator (3,879 survivors or 96.3 per cent). Of those, 2,053 survivors (52.9 per cent) indicated that the perpetrator was a person in religious ministry. Those who told us about child sexual abuse in religious institutions also frequently told us about abuse by teachers (901 survivors or 23.2 per cent) and residential care workers (506 survivors or 13.0 per cent).

The positions held by perpetrators that we heard about in private sessions varied between religious organisations.

Of the 2,489 survivors who told us in private sessions about child sexual abuse in Catholic institutions, 2,413 (96.9 per cent) told us about the position held by a perpetrator. Of those, most (74.7 per cent) told us the perpetrator was a person in religious ministry such as a priest, religious brother or religious sister, and around a quarter (27.6 per cent) told us the perpetrator was a teacher. Smaller numbers of survivors told us about abuse by residential care workers or housemasters.

Of the 594 survivors who told us in private sessions about child sexual abuse in Anglican institutions, 565 (95.1 per cent) told us about the position held by a perpetrator. Of those, around a quarter (26.0 per cent) told us the perpetrator was a person in religious ministry, 21.8 per cent told us the perpetrator was a teacher, 15.0 per cent told us the perpetrator was a residential care worker and 11.5 per cent told us the perpetrator was a housemaster. Smaller numbers of survivors told us about abuse by volunteers or foster carers.

Of the 294 survivors who told us during private sessions about child sexual abuse in Salvation Army institutions, 274 (93.2 per cent) told us about the position held by a perpetrator. Of these, 20 survivors (7.3 per cent) told us the perpetrator was a person in religious ministry. Most survivors told us about abuse by residential care workers (127 survivors or 46.4 per cent) or by housemasters (55 survivors or 20.1 per cent).

Of the 70 survivors who told us during private sessions about child sexual abuse in the Jehovah's Witnesses, 65 survivors (92.9 per cent) told us about the role held by a perpetrator. Of these, 26.2 per cent told us about abuse by family members, 13.8 per cent about abuse by volunteers, 9.2 per cent about abuse by lay leaders, and 9.2 per cent about abuse by other adults who attended the institution. Where a complaint about sexual abuse by a family member was reported to and handled by the religious institution, it fell within our Terms of Reference because of the institutional response.<sup>127</sup>

Of the 37 survivors who told us during private sessions about child sexual abuse in Pentecostal institutions, 29.7 per cent told us about perpetrators who were people in religious ministry, such as pastors, and 27.0 per cent told us about perpetrators who were volunteers. We also heard about perpetrators who were residential care workers, teachers or foster carers.

Of the 25 survivors who told us during private sessions about child sexual abuse in Jewish institutions, 24 told us about the position held by a perpetrator. Of these, most told us about abuse by teachers. We also heard about perpetrators who were people in religious ministry (rabbis), ancillary staff or volunteers.

The Catholic Church claims data provided further detail on the roles held by alleged perpetrators of child sexual abuse. Of the alleged perpetrators identified in claims made to Catholic Church authorities, approximately two-thirds (67 per cent) were either priests or religious brothers or sisters, and just under one-third (29 per cent) were lay people.<sup>128</sup> The Catholic Church claims data identified a total of 1,880 known alleged perpetrators.<sup>129</sup> Additionally, 530 people whose identities were not known were the subject of claims of child sexual abuse.<sup>130</sup> Of the 1,880 known alleged perpetrators:<sup>131</sup>

- 693 were religious brothers or sisters (37 per cent), including 597 religious brothers (32 per cent) and 96 religious sisters (5 per cent)
- 572 were priests (30 per cent), including 384 diocesan priests and 188 religious priests
- 543 were lay people (29 per cent)
- the religious status was not known for 72 (4 per cent).

The Catholic Church claims data also provided information about the institution type most commonly reported in relation to alleged perpetrators of each religious status group, which provided some indication of the alleged perpetrator's position:<sup>132</sup>

- Of all claims that involved alleged perpetrators who were priests, 34 per cent related to abuse in a presbytery or church, 23 per cent related to abuse in a school, and 18 per cent related to abuse in a residential institution.
- Of all claims that involved alleged perpetrators who were religious brothers, 59 per cent related to abuse in a school, and 36 per cent related to abuse in a residential institution.
- Of all claims that involved alleged perpetrators who were religious sisters, 58 per cent related to a residential institution and 31 per cent related to a school.
- Of all claims that involved alleged perpetrators who were lay people, 60 per cent related to a school and 21 per cent related to a residential institution.

The Anglican Church complaints data provided information on the roles held by perpetrators of child sexual abuse in the Anglican Church. The data survey included only complaints made directly to an Anglican Church diocese, so complaints made about child sexual abuse at an Anglican school that was managed independently, with a complaint handling process separate to the diocese, were not included. The Anglican Church complaints data showed there were 569 identified individuals subject to complaints of child sexual abuse.<sup>133</sup> Additionally, 133 people whose identities were not known were the subject of complaints of child sexual abuse.<sup>134</sup> Of all known alleged perpetrators:<sup>135</sup>

- 285 were lay people (50 per cent)
- 247 were ordained clergy (43 per cent)
- 37 had a religious status that was not known (7 per cent).

The Anglican Church complaints data also showed the principal positions held by both known and unknown perpetrators:<sup>136</sup>

- 244 were ministers (35 per cent)
- 81 were youth workers (12 per cent)
- 91 were school staff (13 per cent)
- 57 were welfare workers (8 per cent).

The Anglican Church complaints data indicated that the substantial majority of youth workers (79 per cent), school staff (77 per cent) and welfare workers (79 per cent) who were the subject of complaints of child sexual abuse were lay people.<sup>137</sup>

## 7.2.4 Lay people who were perpetrators

Lay people (that is, people who were not in religious ministry) have worked in a variety of roles in religious institutions, particularly as teachers in schools and as staff in residential institutions. The proportion of perpetrators of child sexual abuse that we heard about who were lay people varied between religious organisations.

More than half (53.1 per cent) of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions and also provided information about the position of a perpetrator, told us about a perpetrator who was a lay person. Of these, 532 survivors (25.8 per cent) said the perpetrator was a teacher and 398 survivors (19.3 per cent) said the perpetrator was a residential care worker. Other lay perpetrators we heard about included housemasters, volunteers, ancillary staff and foster carers.

The Catholic Church claims data showed that 29 per cent of all known alleged perpetrators who were subject to claims of child sexual abuse in Catholic Church institutions were lay people.<sup>138</sup> The data did not indicate how many of them held specific positions, such as teacher or residential care worker. However, it did show that of all claims in which a lay person was identified as an alleged perpetrator, 60 per cent related to schools and 21 per cent related to a residential institution.<sup>139</sup>

The Anglican Church complaints data showed that 50 per cent of all known alleged perpetrators were lay people.<sup>140</sup> A previous study, conducted in 2007 using archival data from 20 of the 23 Anglican Church dioceses in Australia, found that most non-clergy (lay) accused people were involved in youth work, half of whom were Church of England Boys' Society (CEBS) youth leaders.<sup>141</sup>

In case studies and private sessions we heard that while lay people in religious institutions did not necessarily have formal religious authority, they often had authority due to the positions they held.



*In Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys' Society), we considered a number of lay perpetrators who held senior positions in CEBS.<sup>142</sup>*

BYC gave evidence that he joined CEBS in 1974 at age seven. Simon Jacobs, 13 years older than BYC, was a group leader of the Pages group (a group for boys aged nine to 11) of a CEBS branch. Over time Jacobs became a close friend of BYC's family and eventually started driving BYC home from weekly CEBS meetings.<sup>143</sup> BYC said that he was first sexually abused by Jacobs in May 1977 during an overnight trip with his family and Jacobs. BYC gave evidence of multiple incidents of sexual abuse at locations including BYC's family home. Most of the sexual abuse occurred in Jacobs' car, usually after CEBS meetings when Jacobs drove BYC home.<sup>144</sup> BYC told us that at CEBS meetings, Jacobs was allowed to take boys aside into other rooms at the church. BYC said that when he was taken aside, he was sexually abused.<sup>145</sup> In 2010, Jacobs pleaded guilty to, and was convicted of, 11 child sexual abuse offences involving six male victims, including BYC.<sup>146</sup> In evidence, BYC told us:

Looking back at what happened to me, my family and I were groomed by Jacobs. He became very friendly with my parents and they just trusted him because he seemed to be a nice young man and was involved with the Church ... I felt everyone saw Jacobs as a pillar of society.<sup>147</sup>

We also heard that even lay people who held relatively low level positions in religious institutions could appear to children to have authority.

*In Case Study 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions, we learned that perpetrator David Cyprys had many roles within Yeshivah Melbourne, including caretaker, security guard, locksmith and martial arts instructor, and had wide-ranging key access to Yeshivah Melbourne facilities. Cyprys also volunteered at Camp Gan Israel youth camps. He met young people through Yeshivah Melbourne and its associated sporting, educational, religious and youth programs. His involvement in these activities and his access to Yeshivah Melbourne buildings gave his victims the impression that he had official authority and status at Yeshivah Melbourne.<sup>148</sup> One of Cyprys' victims, Mr Manny Waks, recalled that at the time of the abuse he considered Cyprys to be in a position of power and authority, apparently 'trusted by the Yeshivah Centre'.<sup>149</sup>*

Some survivors told us the sexual abuse they experienced by lay people in religious institutions took place in a context of harsh discipline. In a private session, 'Andre' recalled child sexual abuse by a lay teacher in a Christian Brothers school in the 1960s. 'Andre' told us that the Christian Brothers teachers were extremely violent, freely using the strap not simply as a means of discipline but, he said, 'out of cruelty'. It was in this environment, he told us, that one of the lay teachers isolated him, then fondled and raped him on multiple occasions. He said he did not tell anyone about the abuse at the school because he was afraid of the religious brothers, who he had been told were representatives of God.<sup>150</sup>

The proportion of lay people involved in some religious institutions in Australia has changed over time. For example, since the early 1980s, lay teachers have made up at least 90 per cent of teachers in Catholic schools in Australia.<sup>151</sup> This is discussed further in Section 8.2 and Section 13.10.

The Catholic Church claims data showed that the proportion of alleged perpetrators who were lay people increased over time, compared with those who were priests or religious brothers or sisters. Most claims related to child sexual abuse alleged to have occurred in the 1960s, of which only a small proportion related to lay people. The proportion of claims relating to lay perpetrators increased from the 1960s, and the proportion of claims relating to ordained and non-ordained religious decreased. For alleged perpetrators who were priests, religious brothers or religious sisters, the decade with the highest number of first alleged incidents of child sexual abuse was the 1960s; for alleged perpetrators who were lay people, it was the 1980s.<sup>152</sup>

### 7.2.5 Types of perpetrators

There is no typical profile of an adult who sexually abuses a child, despite commonly held misconceptions and persistent stereotypes.<sup>153</sup> People who sexually abuse children, including in institutional contexts, have diverse motivations and behaviours influenced by various factors that can change over time.<sup>154</sup> Volume 2, *Nature and cause*, discusses what we have learned about the range of perpetrators of child sexual abuse in institutional settings, and the various and complex factors that may influence an individual to sexually abuse a child.

Typologies are broad categories used by researchers and practitioners to help understand more about people's behaviours, characteristics and patterns. Much of the information about those who sexually abuse children, particularly past research, has been derived from incarcerated or convicted offenders, who are mostly male. Researchers have developed various typologies to understand perpetrator behaviour, however perpetrators do not fit neatly into discrete categories.<sup>155</sup> Rather, they may exhibit motivations or actions that are characteristic of more than one type, or may exhibit elements of different typologies at different points in time.<sup>156</sup>

While recognising this limitation, we have identified three 'types' of perpetrators, drawn from research, that reflect the behaviours and characteristics of perpetrators we frequently heard about during private sessions and public hearings. They are: 'fixated, persistent' perpetrators, 'opportunistic' perpetrators and 'situational' perpetrators.<sup>157</sup>

Fixated, persistent perpetrators<sup>158</sup> tend to have a longstanding sexual attraction to children and are often repeat offenders, abusing multiple children throughout their lives.<sup>159</sup> They are more likely than other perpetrators of child sexual abuse to have a 'paedophilic' interest in children and young people,<sup>160</sup> and less likely to have age-appropriate sexual relationships.<sup>161</sup> Some fixated, persistent perpetrators may actively manipulate environments to enable them to abuse a child.<sup>162</sup> They may select occupations that facilitate access to children,<sup>163</sup> and take advantage of unplanned situations to abuse.<sup>164</sup>

We heard of a number of perpetrators of child sexual abuse in religious institutions that appeared to fall within this category. For example, in the *Catholic Church authorities in Ballarat* case study, we heard about Gerald Ridsdale, a former priest in the Diocese of Ballarat, convicted of many offences involving multiple victims over two decades.<sup>165</sup> Most perpetrators, however, do not fall within this typology.<sup>166</sup>

Opportunistic perpetrators tend to be less fixated on the sexual abuse of children and may engage in criminal behaviour other than child sexual abuse.<sup>167</sup> They may not prefer children over adults, but use children for sexual gratification.<sup>168</sup> Opportunistic perpetrators are more likely to be older when they sexually abuse a child and more likely to abuse females and members of their extended families.<sup>169</sup> Opportunistic perpetrators exploit situations where they have access to and authority over children.<sup>170</sup> These situations can include institutions that give them access to children and young people.<sup>171</sup> Research we commissioned suggested that opportunistic perpetrators ‘will take opportunities to perpetrate child sexual abuse’ when they occur, but are less likely than other adult perpetrators to intentionally create situations in which children can be abused.<sup>172</sup> Consequently, they are less likely to use grooming strategies.

Situational perpetrators do not usually have a consistent sexual preference for children. Instead, they tend to have similar patterns of sexual arousal to those who do not sexually abuse children.<sup>173</sup> Research suggests that situational perpetrators sexually abuse children in response to ‘stressors’ in their own lives.<sup>174</sup> These may include social isolation, lack of positive adult relationships and low self-esteem.<sup>175</sup> The study of convicted child sex offenders found that this group was likely to be older when they first sexually abused a child, and usually victimised females, tended to have fewer victims, and continued the abuse over an extended period of time.<sup>176</sup> The research tells us that this perpetrator fits the profile of ‘a caregiver or other authority figure who has abused a position of trust and who has ongoing access to the victim’.<sup>177</sup>

A variety of complex factors may contribute to a perpetrator’s motivation to sexually abuse a child. Risk factors associated with adult perpetrators identified in research include:<sup>178</sup>

- adverse experiences in childhood, such as physical, emotional and sexual abuse and neglect
- interpersonal, relationship and emotional difficulties, including difficulty connecting with other adults, intimacy problems and poor social skills, and emotional affiliation with children
- distorted beliefs and ‘thinking errors’ supportive of child sexual abuse
- indirect influences, for example, preference for victims of a certain age and gender, or contextual or trigger factors.

In Section 13.11.2, we discuss individual psychosexual factors associated with Catholic clergy and religious perpetrators.

## 7.2.6 Multiple adult perpetrators

Many of the survivors we heard from told us they experienced child sexual abuse by more than one adult perpetrator. Of the 2,164 survivors who told us during private sessions about child sexual abuse in religious institutions by adult perpetrators, 367 survivors (17.0 per cent) told us about abuse by more than one adult perpetrator in one or more religious institutions. Most of those (292 survivors or 79.6 per cent) told us about abuse by more than one adult perpetrator in a single religious institution.

The Catholic Church claims data showed that residential institutions were the institution type with the highest proportion of claims which identified two or more alleged perpetrators (33 per cent of all claims that identified residential institutions), followed by schools (12 per cent of all claims that identified schools).<sup>179</sup> Residential institutions were also the institution type with the highest proportion of claims which identified three or more alleged perpetrators (13 per cent of all claims that identified orphanages and other residential institutions).<sup>180</sup>

Survivors told us in private sessions and public hearings about child sexual abuse by multiple adult perpetrators.

‘Barry Robert’ told us in a private session about the child sexual abuse he experienced in a Catholic children’s home he was sent to in the 1960s. He recalled being abused by a number of perpetrators, including men and women, when he was about six years old:

I’d be made to stand in the large room while one of the priests, and certainly some of the nuns, they’d fondle my genitals and just touch me basically all over my body. I’d be made to stand there either by being hit with hand brooms or straps or any device they’d see fit to hit you with, for a while. And at the same time they’d be groping me.<sup>181</sup>

‘Spiros’ told us in a private session that he was sentenced to 12 months’ detention in a Salvation Army boys’ home in Victoria in the 1960s. He told us that while he was there he was raped by three perpetrators, two of whom were Salvation Army sergeants, ‘Carter’ and ‘Shanahan’. The other one was a civilian staff member, ‘Mr Abbott’. ‘Spiros’ told us that on some occasions he was beaten and raped by all three men and made to masturbate in front of them.<sup>182</sup>

Survivor VV gave evidence in the *Christian Brothers* case study that he was sexually abused by nine different perpetrators while he was a resident at Bindoon Farm School in Western Australia in the 1950s.<sup>183</sup> VV was a British child migrant who was brought to Australia in 1954 at the age of nine. He was the youngest child at Bindoon.<sup>184</sup> VV told us that within two weeks of being at the institution, he was raped by Brother Christopher Angus. He said that he reported the incident to Father William, a Benedictine chaplain attached to Bindoon, who took VV to his room and also sexually assaulted him.<sup>185</sup> VV told us that before he left the institution at the age of 16 he was sexually abused by a number of religious brothers as well as older boys. He was also sexually abused by a regular male visitor to Bindoon who would take the boys out on picnics.<sup>186</sup>

He told us:

The worst experiences of my life were of being raped and sexually abused, and being physically and mentally assaulted by a number of brothers and priests at Bindoon. Not one, not two, but nine individual sexual perpetrators! Not one, not two, but a multitude of physical and mental abuse perpetrators. Some being one and the same, abusing in every manner possible, often with sadistic delight. These were figures of authority to whom I was to be subservient. Surviving because I knew no better, yet feeling perpetually debased, betrayed and shamed.<sup>187</sup>

In *Case Study 43: The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious*, CNQ gave evidence that he was sexually abused by three perpetrators who were teachers at Marist Brothers Hamilton in New South Wales, including Brother Patrick (Thomas Butler).<sup>188</sup> He gave evidence that Brother Patrick abused him in the chapel below the classroom on multiple occasions when he would take CNQ for 'confession'. CNQ said that this mostly occurred during the lunch break.<sup>189</sup>

The Anglican Church complaints data indicated that of all complainants, 106 (10 per cent) made complaints of child sexual abuse against more than one alleged perpetrator.<sup>190</sup> Ordained clergy had a higher proportion of complaints involving more than one alleged perpetrator (15 per cent), than lay people (9 per cent).<sup>191</sup>

In *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle) and in the Church of England Boys' Society case study*, we heard evidence about perpetrators and alleged perpetrators having knowledge about others offending and in some instances enabling others to sexually offend against children in organisations connected to the Anglican Church.<sup>192</sup>

Survivor Phillip D'Ammond was a state ward at St Alban's Home for Boys in New South Wales, in about 1975 when he was 13 years old. He gave evidence in the *Anglican Diocese of Newcastle* case study that James 'Jim' Brown, a youth worker at St Alban's sexually abused him over a number of years. Mr D'Ammond also told us that in 1976 Brown took him to Father Peter Rushton's house and left him in a room alone with the priest. Father Rushton then 'groped' him.<sup>193</sup> Mr D'Ammond told us that at some stage he realised there was a possible connection between the two men:

It wasn't until I saw Rushton and Jimmy [James 'Jim' Brown] at church that I figured out they were friends. I believe that Jimmy got his credibility from Rushton as the Matron [of St Alban's Boys' Home] knew that Jimmy was practising to be a priest in Morpeth [College]. I see Rushton as the tradesman and Jimmy as his apprentice. Rushton infiltrated St Alban's by being a priest and brought Jimmy in.<sup>194</sup>

We found in the *Anglican Diocese of Newcastle* case study that by at least 1966, Father Rushton had begun to provide access to a number of men, enabling the sexual abuse of children at St Alban's by those men (not all of whom were identified in the evidence).<sup>195</sup>

During the *Church of England Boys' Society* case study, we considered allegations of child sexual abuse against both lay people and clergy involved in or associated with CEBS. We were provided with a letter written on 29 May 2003 by the then Anglican Archbishop of Adelaide, Archbishop Ian George, to the Commissioner of South Australia Police. Archbishop George wrote: 'there is a probability that a "paedophile ring" has been operating in the Boy's [sic] Society for a number of years'.<sup>196</sup> We were satisfied that at least two perpetrators involved with CEBS, John Elliot and Louis Daniels, knew of each other's sexual attraction to boys and, in at least one instance, colluded in relation to a boy's sexual abuse.<sup>197</sup>

### 7.3 Children with harmful sexual behaviours in religious institutions

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There's things like children bashing children ... children raping children. And God knows what the priests were doing at times ... After they locked those doors at night it was tribal ... I saw so many kids get raped by other kids and never, ever, ever made my mind think that's what was happening. Now that I'm an adult and aware of what's going on, I've realised that they weren't mucking around. They were raping them. And while everybody was sort of thinkin' it was a joke, it wasn't a joke at all ... And soon as you did something, you were the next victim.<sup>198</sup>

**Private session, 'Owen Clive'**

Of the 2,533 survivors who told us during private sessions about child sexual abuse in religious institutions and also provided information about the age of the person who abused them, 498 survivors (19.7 per cent) told us about sexual abuse by another child. This was lower than the proportion of people who told us about sexual abuse by another child in institutions under other management (28.7 per cent of those who provided information about the age of the person who abused them).

Of the 498 survivors who told us during private sessions about sexual abuse by other children in religious institutions, 431 survivors (86.5 per cent) told us about abuse by a boy and 76 survivors (15.3 per cent) told us about abuse by a girl. Some survivors told us about abuse by both a boy and a girl.

During private sessions we heard about children with harmful sexual behaviours in different types of religious institutions. Of the child sexual abuse in religious institutions we were told about where the abuse was by another child, 64.5 per cent took place in residential institutions before 1990, 22.5 per cent in schools, 8.0 per cent in places of worship or during religious activities, and a smaller amount during recreational activities affiliated with religious organisations or in other settings. Abuse by children with harmful sexual behaviours in each of these contexts is discussed in Chapter 8.

Of the religious organisations focused on in Part C, The Salvation Army had the highest proportion of survivors who told us about sexual abuse by other children. Of those who told us in private sessions about child sexual abuse in Salvation Army institutions and also provided information about the age of the person who abused them, 40.8 per cent (71 survivors) told us about abuse by another child. This was followed by Anglican institutions (23.9 per cent, 90 survivors), Jehovah’s Witnesses (22.6 per cent, 12 survivors), Uniting Church institutions (19.7 per cent, 15 survivors) and Catholic institutions (13.4 per cent, 199 survivors).

As discussed in Volume 10, *Children with harmful sexual behaviours*, children may have exhibited harmful sexual behaviours in institutional contexts for a variety of reasons, including a culture which allowed bullying, violence or intimidation by staff and residents or students.

During our inquiry we learned that harmful sexual behaviour by children is an ongoing problem, and that adults in institutions have struggled to recognise, react and respond appropriately. The spectrum of harmful sexual behaviours and the diversity of children’s backgrounds and circumstances mean that no one response or intervention is suitable for all children with harmful sexual behaviours. A range of interventions is needed, from prevention and early identification through to assessment and therapeutic intervention. For a small group of children, a child protection or criminal justice response may be necessary, including support and treatment in detention and on release. Volume 10 discusses current responses and a framework for primary prevention, early intervention and therapeutic treatment for children with harmful sexual behaviours.



# Endnotes

- 1 Name changed, private session, 'Trevor James'.
- 2 Exhibit 5-0004, 'Statement of Raymond Carlile', Case Study 5, STAT.0108.001.0001\_M\_R at 0003\_M\_R.
- 3 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 25.
- 4 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 30.
- 5 L Bromfield, C Hirte, O Octoman & I Katz, *Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 23; K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 52; P Parkinson, K Oates & A Jayakody, *Study of reported child sexual abuse in the Anglican Church*, Professional Standards Commission, Anglican Church of Australia, 2009, p 5; M Proeve, C Malvaso & P DelFabbro, *Evidence and frameworks for understanding perpetrators of institutional child sexual abuse*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 53–4.
- 6 S Smallbone & RK Wortley, *Child sexual abuse in Queensland: Offender characteristics and modus operandi*, Queensland Crime Commission and Queensland Police Service, Brisbane, 2000, pp xix, 37–8; M Proeve, C Malvaso & P DelFabbro, *Evidence and frameworks for understanding perpetrators of institutional child sexual abuse*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 21. While there is no nationally representative data in Australia, the best available evidence suggested that 14.0 to 26.8 per cent of girls and 5.2 to 12.0 per cent of boys experience non-penetrative abuse, such as non-penetrative contact abuse and exposure to pornography, before the age of 16. Fewer children experience penetrative abuse: an estimated 4.0 to 12.0 per cent of girls and 1.4 to 7.5 per cent of boys. The variations are due to differences in research methodologies such as definitions and sample populations. Australian Institute of Family Studies, *The prevalence of child abuse and neglect*, Australian Institute of Family Studies, Canberra, 2017.
- 7 L Bromfield, C Hirte, O Octoman & I Katz, *Child sexual abuse in Australian institutional contexts 2008–13: Findings from administrative data*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 207–8. However, of all males abused, a higher proportion of cases occurred in an institutional location compared to other locations (see Figure 14.2).
- 8 S Swain, *History of institutions providing out-of-home residential care for children*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2014, p 7.
- 9 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 48, 92–3. The authors use the example of single-sex schools to illustrate this point.
- 10 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in institutions*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 47–8.
- 11 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 25.
- 12 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 25.
- 13 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 74.
- 14 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 74.
- 15 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 30.
- 16 E Fernandez, J-S Lee, H Blunden, P McNamara, S Kovacs & P-A Cornefert, *No child should grow up like this*, University of New South Wales, Sydney, 2016, p 98.
- 17 The average time to disclosure is calculated from information provided during 4,817 private sessions that were held before July 2016 because time to disclosure is available for survivors. After this date, time to disclosure was only recorded for survivors who told us they first disclosed in adulthood, not for those who first disclosed as a child.
- 18 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 20.
- 19 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 20.
- 20 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, pp 73–4.
- 21 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 26.
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55 Name changed, private session, 'Arlo'.

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- 120 Name changed, private session, ‘Alastair’.
- 121 Name changed, private session. ‘Donald Steven’.
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- 161 M Proeve, C Malvaso & P DelFabbro, *Evidence and frameworks for understanding perpetrators of institutional child sexual abuse*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 25.
- 162 M Colton, S Roberts & M Vanstone, 'Sexual abuse by men who work with children', *Journal of Child Sexual Abuse*, vol 19, 2010, p 351. This study quotes a perpetrator: 'I planned the job to get close to young boys. When I got the job, it was like walking into a pet shop with a goldfish bowl and I could pick what I wanted. I was in a trusted position, and as time went on, I became more trusted. I got the job because I was sexually attracted to boys aged 8 to 12.'
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- 167 R Wortley & S Smallbone, 'Applying situational principles to sexual offenses against children' in R Wortley & S Smallbone (eds), *Situational prevention of child sexual abuse: Crime prevention studies vol 19*, Lynne Rienner Publishers, London, 2006, p 15. In the study by Smallbone and Wortley, 41 per cent of the sample were serving their first sentence for a sexual offence, but had previous convictions for non-sexual offences.
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## 8 Common contexts where child sexual abuse occurred in religious institutions

The cruelty that went on in this institution for many years and was covered up by the Church was not reported, because this sort of thing was not talked about in society in the 1950s and early 1960s. It was a disgrace to society, so it just wasn't talked about or we weren't believed, either ... No one believed what we said. They'd just say to you, 'Don't lie. The Church doesn't do things like that'. Well, I tell you they did.<sup>1</sup>

**Survivor, CK**

Survivors told us during private sessions, through written accounts and in public hearings about their experiences of child sexual abuse in different types of religious institutions and in other contexts associated with religious organisations.

This chapter discusses the common religious contexts in which we heard about child sexual abuse occurring – that is, religious schools, residential institutions managed by religious organisations, places of worship, and during religious activities or recreational activities affiliated with religious organisations. We discuss these key contexts, detailing in relation to each of them the nature and extent of abuse, the victims and perpetrators we heard about, and victims' and survivors' common experiences of abuse.

We also discuss the experiences of many survivors who told us that the sexual abuse they suffered in schools and residential institutions was accompanied by other forms of abuse, such as physical abuse, emotional abuse and neglect, and occurred in the context of an institutional culture that permitted or encouraged such abuse.

### 8.1 Overview

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As of 31 May 2017, of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions:

- 39.0 per cent (1,570 survivors) told us about abuse in religious schools
- 35.2 per cent (1,419 survivors) 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 (1,000 survivors) told us about abuse in places of worship or during religious activities
- 1.6 per cent (66 survivors) told us about abuse during recreational activities affiliated with religious organisations, such as church-run camps and youth groups.<sup>2</sup>

Table 16.10 sets out the proportion of survivors who told us in private sessions about child sexual abuse in each of these contexts. For example, it sets out the number of survivors who told us about child sexual abuse in Catholic institutions, and the proportion of those survivors who told us about abuse occurring in a school, in a residential institution before 1990, in a place of worship or during religious activities, or during recreational activities affiliated with the Catholic Church.

**Table 16.10 – Number and proportion of survivors by religious organisation and institution type, private sessions, May 2013–May 2017**

Religious organisation	Number of survivors	Schools (%) <sup>a</sup>	Residential institutions before 1990 (%) <sup>a b</sup>	Places of worship and religious activities (%) <sup>a b</sup>	Recreational activities affiliated with religious organisations (%) <sup>a b</sup>
Catholic	2,489	49.2	28.7	24.1	0.3
Anglican	594	32.8	36.0	20.2	7.2
Salvation Army	294	0	82.7	14.3	0.3
Uniting Church	97	39.2	32.0	12.4	1.0
Jehovah's Witnesses	70	0	0	100.0	0
Pentecostal	37	10.8	0	86.5	0
Jewish	25	84.0	<20.0	<20.0	<20.0

<sup>a</sup> The four institution types in the table are those we heard about most frequently. Because many survivors told us about child sexual abuse in more than one of these institution types, proportions in each row may sum to more than 100 per cent. Some survivors told us about child sexual abuse in other types of institutions managed by or affiliated with religious organisations, for example, social support services and health and allied care providers. These are not included in the table because of the low number of survivors who told us about abuse in these settings. For this reason, proportions in each row may sum to less than 100 per cent.

<sup>b</sup> The number and proportion of survivors in private sessions has not been provided where there were fewer than five survivors, as this could potentially lead to a survivor being identifiable.

Almost half of the child sexual abuse in Catholic institutions that we heard about during private sessions occurred in schools, and considerable proportions also occurred in residential institutions, places of worship or during religious activities. Abuse in Anglican institutions occurred most commonly in residential institutions (just over one-third) and schools (just under one-third), while around one in five survivors told us about abuse in a place of worship or during religious activities. Most survivors who told us about abuse in Salvation Army institutions told us it occurred in residential institutions. For Uniting Church institutions, almost two in five survivors told us about abuse in schools, and just under one-third said the abuse occurred in residential institutions. Most of the abuse we heard about in Jewish institutions occurred in schools.

Most of those who told us in private sessions about child sexual abuse in Pentecostal churches, and all of those who told us about child sexual abuse in the Jehovah's Witnesses, said the abuse was connected with places of worship or while children were participating in religious activities. We also heard from some survivors about experiencing child sexual abuse by religious perpetrators in family homes. In some cases this was perpetrated by people in religious ministry such as Catholic priests, who had unique access to children due to the trust and respect afforded to them. In other cases it was perpetrated by religious family members of victims, particularly those who experienced abuse in the Jehovah's Witnesses. This was considered to be within our Terms of Reference when the sexual abuse was reported to and handled by the relevant religious institution.

We also learned about common locations of child sexual abuse through the Catholic Church claims data and the Anglican Church complaints data.<sup>3</sup>

The Catholic Church claims data showed that the majority of claims of child sexual abuse that identified a named institution related to schools (51 per cent), followed by residential institutions (31 per cent).<sup>4</sup> Of the 1,049 Catholic Church institutions named in the Catholic Church claims data as a location of alleged child sexual abuse, 52.3 per cent were schools and 7.9 per cent were residential institutions.<sup>5</sup>

The Anglican Church complaints data showed that the majority of complaints related to alleged child sexual abuse occurring in residential or non-residential schools (22 per cent), the alleged perpetrator's home (20 per cent), residential institutions (14 per cent), and youth camps or recreation facilities (14 per cent).<sup>6</sup>

## 8.2 Child sexual abuse in religious schools

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It was the culture of the school to invite those particular boys who had evening co-curricular activity practice ... to the homes of masters whose wives were present and who offered the boys afternoon tea ... My husband and I had no reason to suspect that our son was being groomed by an unmarried teacher. As far as we knew, the boys only attended homes of married teachers whose wives were at home. We did not know it was happening right under our nose. We truly believed that the Christian ethic with which our son was raised and which the school espoused was a nurturing and protective one ... Having ourselves led very protected and sheltered lives ... it is fair to say that we transferred this expectation onto the school. In fact, that is why we chose a Christian school for our children.<sup>7</sup>

**Mother of survivor, Dr Marija Radojevic**

Many survivors told us they experienced child sexual abuse in schools, including government schools, Catholic schools and Independent schools. In this chapter, we use the term 'religious schools' to refer to Catholic schools as well as those Independent schools affiliated with or associated with a religious organisation.

As of 31 May 2017, of the 6,875 survivors who told us in private sessions about child sexual abuse in institutional contexts, 2,186 survivors (31.8 per cent) told us about abuse that occurred in schools. Of those survivors:

- 1,570 survivors (71.8 per cent) told us about child sexual abuse in religious schools
- 632 survivors (28.9 per cent) told us about child sexual abuse in government schools, secular Independent schools, or schools where the management was unknown.<sup>8</sup>

In addition to hearing from a large number of survivors in private sessions about child sexual abuse in religious schools, we also examined institutional responses to child sexual abuse in religious schools in a number of public hearings, as listed in Chapter 1, 'The Royal Commission's work on religious institutions'.

Volume 13, *Schools*, discusses what we learned about child sexual abuse across the school sectors.

## 8.2.1 Religious schools in Australia

Australian schools can be broadly categorised as government or non-government schools. Government schools are established and run by state and territory governments. Non-government schools are either Catholic or Independent.<sup>9</sup> Religious schools in Australia are either Catholic schools or Independent schools that are affiliated or associated with a religious organisation.

From European colonisation until the mid-1800s, schooling in Australia consisted largely of religious, or denominational, schools that were set up by various Christian church groups and received colonial government funding.<sup>10</sup> Religious organisations also established mission schools for Aboriginal and Torres Strait Islander children from the 1830s onwards.<sup>11</sup> Section 8.3 discusses what we heard about child sexual abuse in missions.

Government funding for denominational schools began to be withdrawn from the 1850s.<sup>12</sup> Catholic bishops responded by inviting religious orders (or institutes) of brothers, sisters and priests to establish schools in Australia and, from the late 1800s, Catholic schools were largely staffed by members of these orders.<sup>13</sup> Unlike the Catholic Church, other religious denominations did not persist with primary education on a national scale following the emergence of widespread secular education in the second half of the 19<sup>th</sup> century. However, some denominations, such as the Lutherans and Seventh-day Adventists, maintained much smaller networks of primary schools. The Anglican Church focused on providing secondary schools, including some elite schools, and other denominations created similar elite schools, including the Presbyterian, Methodist and Catholic churches.<sup>14</sup>

Non-government schools, including religious schools, again began to receive government funding in the late 1960s.<sup>15</sup> Catholic school authorities increased the number of lay teachers working in Catholic education and, by the early 1980s, lay teachers made up 90 per cent of teachers in Catholic schools in Australia.<sup>16</sup> The changes in funding, as well as changes in community attitudes to schooling, also led to the establishment of many new non-government schools from the mid-1970s, reflecting a diversity of cultural and religious philosophies.<sup>17</sup>

In 2016, of the 3.8 million students enrolled in Australian schools, most (65.4 per cent) attended government schools.<sup>18</sup> Around one-fifth (20.2 per cent) of all Australian school students were enrolled in Catholic schools and 14.4 per cent were enrolled in Independent schools.<sup>19</sup> Over the past 40 years, enrolments have trended away from the government sector towards the non-government sector, particularly to Independent schools.<sup>20</sup> In 2016 the majority of Independent schools (85 per cent) in Australia had a religious affiliation.<sup>21</sup>

We consider institutional responses to child sexual abuse in Catholic schools in Section 13.10, 'Catholic Church responses to child sexual abuse in schools', and in other religious schools in Chapter 12, 'Anglican Church', Chapter 16, 'Australian Christian Churches and affiliated Pentecostal churches' and Chapter 17, 'Yeshiva Bondi and Yeshivah Melbourne'. Measures to enhance child safety in religious schools are discussed in Chapter 20, 'Making religious institutions child safe'.

## Risk factors in religious schools

Volume 13, *Schools*, discusses factors that may contribute to the occurrence of child sexual abuse in schools. A number of these factors have particular relevance to religious schools.

Many survivors told us about child sexual abuse that occurred in religious boarding schools. Residential facilities are high risk environments in terms of child sexual abuse.<sup>22</sup> Commissioned research indicated that there is a high level of risk in institutional settings where potential perpetrators and potential victims are together in contexts that offer long or frequent interactions. This is likely to be the case in residential settings.<sup>23</sup> The research noted that some boarding schools and children's homes run by male religious orders were high risk environments.<sup>24</sup> Boarding schools may also present more opportunities for sexual abuse by children with harmful sexual behaviours, due to students of different ages and genders being housed together, and children potentially being alone together unsupervised, with less access to protective adults such as parents or guardians to whom they can disclose abuse.<sup>25</sup> This is discussed in Volume 10, *Children with harmful sexual behaviours*.

The physical environment of a school may increase the risk of abuse.<sup>26</sup> Private spaces on school grounds, such as locked classrooms or staff offices, enable perpetrators to be alone with children. In religious schools this may also include offices of chaplains. In some cases, religious schools were located adjacent to or close to a priest's residence or a church where survivors told us they were sexually abused.

The institutional culture of a school can also increase the risk of child sexual abuse. Research indicated that there is a greater risk of abuse in schools, including some religious schools, that resemble 'total' institutions.<sup>27</sup> This is where the institution is closed to the outside world, and where there is a strong hierarchy of power and authority, a strong sense of allegiance to the good name of the school and inadequate child protection policies.<sup>28</sup>

Schools are typically hierarchical, requiring children to obey teachers and other authority figures.<sup>29</sup> In religious schools, staff members and authority figures may also be people in religious ministry. People in religious ministry are conferred with a unique status and spiritual authority which means they can exert considerable power over children. Research that we commissioned into the role of organisational culture in child sexual abuse noted that 'the more power adults possess over children and young people in institutions, the better positioned they are to sexually abuse them'.<sup>30</sup>



We heard from survivors who told us that they did not disclose that they were sexually abused at religious schools because of a fear they would not be believed, particularly where the perpetrator was a person in religious ministry or of perceived high standing in their school.<sup>31</sup> The ways in which the trust and authority afforded to people in religious ministry both provided perpetrators with access to children and operated as a barrier to disclosure are discussed in Chapter 9, 'Characteristics of child sexual abuse specific to religious institutions', and Chapter 11, 'Disclosure of child sexual abuse in religious institutions'.

Commissioned research indicated that certain organisations, such as prestigious non-government schools (some of which are religious schools), can become institutionalised to such an extent that ensuring the continuation of the school is seen as more important than their original educational goals.<sup>32</sup> The members of these organisations perceive 'threats to the organisation's image ... as issues to be managed to minimise their negative effect'.<sup>33</sup> A culture that prioritises reputation over the care and safety of children can also create barriers for victims to disclose or for others to report concerns about sexual abuse.

## 8.2.2 Nature and extent of child sexual abuse in religious schools

The last time Dowlan abused me was in the classroom. The class was full of students and he sent me to the back of the classroom during class, to a place where all the boys' jackets were hung on the wall. After a time Dowlan came to where I was. We were behind the other students and they could only have been able to see us if they turned around. Of course, no one turned around because they would be sent to stand there too. He cupped my face in his hands, then slapped me across the face hard enough to make me cry. Once I was upset, he comforted me by cupping my face in his hands again and started thrusting his hips towards me as he was whispering to me.<sup>34</sup>

**Survivor, Mr Timothy Green**

### Extent of child sexual abuse in religious schools

Child sexual abuse in schools was one of the most common areas of concern we heard about during our inquiry, and the majority of abuse we heard about in schools took place in religious schools. Of the 2,186 survivors who told us in private sessions about child sexual abuse in schools, 1,570 survivors (71.8 per cent) told us it took place in religious schools.

Of the survivors who told us in private sessions about child sexual abuse in religious institutions, almost two in five (1,570 survivors or 39.0 per cent) told us about abuse in schools. This was much higher than for survivors who told us about child sexual abuse in institutions under other management,<sup>35</sup> where fewer than one in five (632 survivors or 18.7 per cent) told us about abuse in schools.

Of the 1,570 survivors who told us in private sessions about child sexual abuse in religious schools, 1,374 survivors (87.5 per cent) told us it occurred before 1990, and 123 survivors (7.8 per cent) told us it occurred from 1990 onwards.<sup>36</sup> However, as discussed in Section 7.1.3, ‘Date range of abuse’, private sessions information is likely to under-represent the number of survivors of more recent abuse. Long delays in disclosing child sexual abuse are common, and survivors abused in the last 20 to 30 years may not yet have reported the abuse to authorities. The survivors we heard from in private sessions took, on average, 23.9 years to disclose that they had been sexually abused.<sup>37</sup>

Almost two-thirds of survivors who told us in private sessions about child sexual abuse in religious schools told us the abuse occurred in a religious day school and a little over one-third told us it occurred in a religious boarding school.

Table 16.11 sets out the number and proportion of survivors who told us in private sessions about child sexual abuse in religious schools by religious organisation and type of school. For example, of survivors in private sessions who told us about child sexual abuse in Anglican schools, 58.5 per cent told us about abuse in an Anglican boarding school and 41.5 per cent told us about abuse in an Anglican day school. The Salvation Army and the Jehovah’s Witnesses did not manage schools and are therefore not included in the table.

**Table 16.11 – Number and proportion of survivors by religious organisation and type of school (where the information was provided), private sessions, May 2013–May 2017**

Religious organisation	Boarding school		Day school	
	Number of survivors	Proportion of survivors who told us about abuse in schools managed by or affiliated with religious organisation (%)	Number of survivors <sup>b</sup>	Proportion of survivors who told us about abuse in schools managed by or affiliated with religious organisation (%)
Catholic <sup>a</sup>	367	30.0	877	71.7
Anglican	114	58.5	81	41.5
Uniting	31	81.6	7	18.4
Jewish	0	0	21	100.0
Pentecostal	0	0	<5	100.0

<sup>a</sup> Because a small number of survivors told us about child sexual abuse in both a Catholic day school and a Catholic boarding school, the proportions in this row sum to more than 100 per cent.

<sup>b</sup> The number of survivors in private sessions has not been provided where there were fewer than five, as this could potentially lead to a survivor being identifiable.

The Catholic Church claims data showed that schools were the institution type most commonly identified in claims of child sexual abuse (46 per cent of all claims identified schools).<sup>38</sup> Of the 1,049 named Catholic institutions, 549 were schools. There was an average of four claims made in relation to each school.<sup>39</sup>

The Anglican Church complaints data showed that 22 per cent of complaints of child sexual abuse related to schools.<sup>40</sup> However, this may be an underestimation. As discussed in Chapter 6, ‘The extent of child sexual abuse in religious institutions’, in some Anglican Church dioceses, complaints of child sexual abuse relating to affiliated schools are not managed by the diocese, but by the schools directly. Such complaints would not have been entered by the relevant dioceses into the complaints survey.

## Forms of child sexual abuse in religious schools

Of the 1,570 survivors who told us in private sessions about child sexual abuse in religious schools, 1,379 survivors (87.8 per cent) told us about the form of child sexual abuse. Among these survivors, the most common forms of child sexual abuse we heard about were non-penetrative contact abuse (78.1 per cent) and penetrative abuse (38.4 per cent). More than one quarter told us about grooming (27.8 per cent). Some survivors may have been reluctant to provide detail about more intrusive forms of abuse, and survivors were not asked to provide this detail. The different forms of child sexual abuse are discussed further in Volume 2, *Nature and cause*.

## Other forms of abuse in religious schools

Of the 1,570 survivors who told us in private sessions about child sexual abuse in religious schools, around half (791 survivors or 50.4 per cent) told us about also experiencing other forms of abuse. Of these survivors, 76.6 per cent told us about emotional abuse and 57.3 per cent told us about physical abuse.

The Catholic Church claims data showed that 20 per cent of the claims of child sexual abuse that identified a school also included allegations of physical violence.<sup>41</sup>

## Frequency and duration of child sexual abuse in religious schools

Of the 1,570 survivors who told us in private sessions about child sexual abuse in religious schools, the vast majority (1,457 survivors or 92.8 per cent) provided information about the frequency of the abuse. Most of those survivors (1,199 survivors or 82.3 per cent) told us about multiple incidents of child sexual abuse across one or more religious schools.

Of the 1,457 survivors who provided information about the duration of child sexual abuse in religious schools, 789 survivors (64.0 per cent) told us about abuse lasting for one year or less, 396 survivors (32.1 per cent) told us about abuse lasting between one and five years, and 60 survivors (4.9 per cent) told us about abuse lasting between five and 10 years. A small number of survivors told us about abuse lasting for more than 10 years. Because some survivors told us about the duration of abuse in multiple institutions, the sum of the proportions exceeds 100 per cent.

The Catholic Church claims data showed that the average duration of alleged child sexual abuse in a Catholic school was 1.7 years.<sup>42</sup> The Anglican Church complaints data showed that the average duration of alleged child sexual abuse was 1.1 years in Anglican day schools and 1.2 years in Anglican boarding schools.<sup>43</sup>

## 8.2.3 People we heard about in religious schools

### Victims in religious schools

We heard that many children experienced sexual abuse in religious schools. This included boys and girls of both primary and secondary school age.

Of the 1,570 survivors who told us in private sessions about child sexual abuse in religious schools:

- The majority (1,273 survivors or 81.1 per cent) were male and 293 survivors (18.7 per cent) were female. Fewer than five survivors identified as gender diverse or did not provide information about gender.<sup>44</sup>
- The majority (913 survivors or 66.0 per cent) of those who provided information about the age of the victim at the time of first abuse told us that the victim was aged between 10 and 14 years at the time of first abuse.
- 63 survivors (4.0 per cent) identified as Aboriginal or Torres Strait Islander
- 54 survivors (3.4 per cent) identified as being from a culturally or linguistically diverse background
- 49 survivors (3.1 per cent) told us they had disability at the time of the abuse.

The Catholic Church claims data and the Anglican Church complaints data showed the following:

- The majority of those who made a claim in relation to child sexual abuse in a Catholic school or a complaint in relation to an Anglican school were male (85 per cent for Catholic schools, 83 per cent for Anglican boarding schools and 88 per cent for Anglican day schools).<sup>45</sup>
- The majority of claims that identified a Catholic school related to alleged child sexual abuse in the 1970s.<sup>46</sup>

- The average age of boys at the time of the first alleged incident of child sexual abuse in a Catholic school was 12 years, while for girls it was 11 years.<sup>47</sup>
- The average age of boys at the time of the first alleged incident of child sexual abuse in an Anglican day school was 13 years, while for girls it was 12 years. For those who alleged sexual abuse in an Anglican boarding school, the average age at the time of first abuse for both boys and girls was 13 years.<sup>48</sup>

Volume 13, *Schools*, discusses what we learned about the age and gender of victims of child sexual abuse across all school sectors.

The higher proportion of male victims compared to female victims in religious schools may have been influenced by the fact that these schools have historically tended to be single-sex schools, with a staffing profile reflecting the gender make-up of students. Section 7.1.2 discusses the gender of victims of child sexual abuse in religious institutions in further detail.

## Perpetrators in religious schools

In private sessions, we heard that children in religious schools were sexually abused by a range of individuals including males and females of various ages, and who held various positions. However, many of the perpetrators we were told about were adult males who were people in religious ministry.

While there is no typical profile of perpetrators in religious school settings, in private sessions we were told about some characteristics more often than others. Of the 1,570 survivors who told us in private sessions about child sexual abuse in religious schools:

- Most (987 survivors or 62.9 per cent) provided information about the age of the person who abused them. Of these, 894 survivors (90.6 per cent) told us about abuse by an adult perpetrator.
- Of those who told us about abuse by adult perpetrators, the vast majority (866 survivors or 96.9 per cent) told us about abuse by a male adult and 36 survivors (4.0 per cent) told us about abuse by a female adult. Some survivors told us about abuse by both a male adult and a female adult.
- Of those who told us about the position held by a perpetrator, more than half (835 survivors or 55.0 per cent) told us about abuse by a person in religious ministry, slightly fewer (817 survivors or 53.8 per cent) told us about abuse by a teacher and 106 survivors (7.0 per cent) told us about abuse by a house or dormitory master. Some survivors told us that the perpetrator held more than one position, such as a person in religious ministry who was also a teacher. Some survivors told us about multiple perpetrators who held different positions.

- Of those who told us about abuse in Catholic schools, and who told us about the position held by a perpetrator, over two-thirds (808 survivors or 68.0 per cent) told us about abuse by a person in religious ministry.

In private sessions, the positions of the perpetrators of child sexual abuse in religious schools that we heard about varied according to the time of the abuse.

Of the 1,340 survivors who told us about child sexual abuse in religious schools before 1990, and who told us about the position held by a perpetrator, most (798 survivors or 59.6 per cent) told us about perpetrators who were people in religious ministry, and slightly fewer (728 survivors or 54.3 per cent) told us about perpetrators who were teachers.

Of the 120 survivors who told us about child sexual abuse in religious schools after 1990, and who told us about the position held by a perpetrator, most (61 survivors or 50.8 per cent) told us about perpetrators who were teachers and a much smaller proportion (15 survivors or 12.5 per cent) told us about perpetrators who were people in religious ministry. The decrease in the proportion of perpetrators who were people in religious ministry is likely to have been influenced by the declining number of people in religious ministry teaching in religious schools, particularly in Catholic schools, over time.

Many of the schools we heard about during our inquiry were managed by religious institutes of the Catholic Church, such as the Christian Brothers and the Marist Brothers. As discussed in Section 13.10, we commonly heard that in Catholic schools, religious brothers worked as teachers, and priests were involved in the management and operation of parish primary schools.<sup>49</sup> However, as noted above, by the early 1980s, lay teachers made up 90 per cent of teachers in Catholic schools in Australia.<sup>50</sup>

The Catholic Church claims data showed that many claims alleging child sexual abuse in a Catholic school identified an alleged perpetrator who was a religious brother (53 per cent) or a priest (21 per cent).<sup>51</sup> Lay people were identified in a quarter of claims relating to Catholic schools (25 per cent), and religious sisters were identified in a very small number of claims relating to Catholic schools (2 per cent).<sup>52</sup>

Anglican schools generally had fewer clergy involved in day-to-day teaching or management than Catholic schools. The Anglican Church complaints data showed that, of the complaints alleging child sexual abuse in Anglican day schools, 86 per cent alleged that the perpetrators were lay people and 8 per cent alleged that the perpetrators were ordained clergy.<sup>53</sup> For complaints relating to Anglican boarding schools, 21 per cent identified ordained clergy as alleged perpetrators and 69 per cent identified lay people as alleged perpetrators.<sup>54</sup>

Volume 13, *Schools*, discusses what we learned about perpetrators of child sexual abuse across all school sectors.

## Children with harmful sexual behaviours in religious schools

While most survivors who told us about child sexual abuse in religious schools told us about adult perpetrators, we also heard from some survivors about sexual abuse by other children.

Of the 987 survivors who told us in private sessions about child sexual abuse in religious schools and who also provided information about the age of the person who abused them, 112 survivors (11.3 per cent) told us about abuse by another child. Just over half of these survivors (51.7 per cent) told us the abuse occurred in boarding schools and slightly under half (48.2 per cent) told us the abuse occurred in day schools. Almost one-third (29.5 per cent) of these survivors told us the abuse occurred from 1990 onwards.

The vast majority (107 survivors or 95.5 per cent) of those who told us in private sessions about sexual abuse by another child in a religious school told us about abuse by a boy and a much smaller number (6 survivors or 5.4 per cent) told us about abuse by a girl. Some survivors told us about abuse by both a boy and a girl.

Volume 13, *Schools*, discusses risk factors and institutional contexts that can contribute to children exhibiting harmful sexual behaviours in school settings, including religious schools. We heard that children with harmful sexual behaviours were often in a position of power or seniority over victims, for instance due to age, strength or elevated status, such as being a prefect. We learned that institutions sometimes did not recognise children's harmful sexual behaviours in schools as a form of child sexual abuse, and that some victims of such abuse and their families were not supported by schools.

Volume 10, *Children with harmful sexual behaviours*, discusses the nature and extent of harmful sexual behaviours by children, and presents a public health approach to preventing, identifying and responding to harmful sexual behaviours by children.

### 8.2.4 Experiences of child sexual abuse in religious schools

In public hearings and private sessions we heard from many victims, survivors and their family members about experiences of child sexual abuse in religious schools, including the locations of abuse and forms of abuse. This section outlines some of the experiences we heard about most commonly. We outline experiences of child sexual abuse on or near school grounds, in school boarding houses and during school-related activities such as camps and sport. We also consider child sexual abuse that occurred in school-related settings, such as in church buildings located next to schools.



## Child sexual abuse on school grounds

School grounds include the school's buildings such as classrooms, toilets, change rooms, principals' and teachers' offices, libraries and administration buildings, as well as outdoor areas such as playgrounds and sports ovals. In religious schools, locations of abuse on school grounds might also include a chaplain's office.

Some survivors told us about experiencing child sexual abuse in a number of different locations in both private and public spaces on school grounds. DG, who gave evidence in *Case Study 4: The experiences of four survivors with the Towards Healing process*, told us about being sexually abused by his teacher in multiple locations on the grounds of Marist Brothers College in Queensland in the 1970s. DG told us that Marist Brother Raymond Foster sexually abused him in the science laboratory, in a school storeroom, and when he was sent to do a chore at Brother Foster's residence which was located on the school grounds.<sup>55</sup> In 1994, Queensland police interviewed Brother Foster. However, in 1999, he died by suicide before being extradited to Queensland to face charges.<sup>56</sup>

### Public spaces

In public hearings and private sessions, we heard about child sexual abuse that occurred in public spaces on school grounds, sometimes in front of other children or adults. Some survivors told us about experiencing sexual abuse in classrooms in the presence of other children, sometimes in their full sight. In case studies we heard evidence that some religious brothers who were teachers sexually abused children during classes.

In *Case Study 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton (Marist Brothers)*, we heard evidence that Brother Kostka Chute abused children in many locations including classrooms.<sup>57</sup> Brother Chute taught or held the position of principal at 13 schools between 1952 and 1993.<sup>58</sup> The Marist Brothers received 48 claims from former students alleging that Brother Chute had sexually abused them when they were children.<sup>59</sup> Survivor AAJ gave evidence that in 1960, Brother Chute was his Year 6 teacher at Marcellin College in Randwick, New South Wales.<sup>60</sup> AAJ told us that Brother Chute molested him in the classroom while other students were present. He said that Brother Chute 'would play with the buttons on the fly of my shorts. It progressed to him undoing the buttons of the shorts and pushing his fingers inside my shorts and underwear'.<sup>61</sup>

The Marist Brothers received claims of sexual abuse by Brother Chute during the period 1976 to 1990 from 40 former students at Marist College Canberra.<sup>62</sup> Many of Brother Chute's victims at Marist College Canberra said they were sexually abused in classrooms.<sup>63</sup>

In a police statement tendered during the public hearing, AAE stated:

I started Marist College [Canberra] in 1985 and the touching started almost straight away. This became very normal to me and Brother Kostka would touch me daily sometimes 2, 3 or 4 times in a single day. He would always cuddle me and he even put his hands down my pants during the classes that he was teaching, it would often be in front of other students ... It became so normal and regular that I accepted it as part of my life.<sup>64</sup>

In 2008, Brother Chute was convicted of 19 sexual offences involving six children that he taught at Marist College Canberra, including AAE.<sup>65</sup>

In *Case Study 28: Catholic Church authorities in Ballarat (Catholic Church authorities in Ballarat)*, BAQ gave evidence that he was sexually abused by Brother Gerald Leo Fitzgerald in his Grade 3 classroom at St Alipius Boys' School in Ballarat, Victoria:

Every day our class had reading time just before lunch ... During that time we were all supposed to sit and read a book and our desks were facing the front, while Brother Fitzgerald sat down the back of the classroom. Every day while we were reading, Brother Fitzgerald would choose a boy and ask him to come to the back of the room or tell him to come to the back of the room. One day he chose me. When I got to the back of the classroom, Brother Fitzgerald sat me on his knee, cuddled me and fondled my genitals. Brother Fitzgerald chose a different boy every day, but he always chose someone. I believe he picked everyone in the class at least once, after a period of time however, he seemed to develop an interest in particular boys and chose them more often.<sup>66</sup>

In the same case study, BAA gave evidence that on more than a dozen occasions in 1970, Brother Fitzgerald sexually abused him in front of other students in class. BAA said that Brother Fitzgerald would kiss him on his mouth and cheek and rub and stroke his legs, groin and backside. BAA saw this happen to a lot of other students, and to some boys more than others.<sup>67</sup> BAA also gave evidence that in the last two years of primary school, he was sexually abused on several occasions by Brother Robert Best, the school principal and his Grade 6 teacher. BAA said:

In the earlier half of 1973 Best called me out to the front of the classroom to read from a book ... I stood beside the desk immediately to the left of Best. As I was reading the book, Best again slid his hand down the back of my pants. His hand went inside my pants and underwear. Best started rubbing his fingers around the outside of my anus but did not insert his finger into my anus. I recall clenching my buttocks as hard as I could and stopped reading. Best looked at me and said, 'Don't stop reading, keep going' ... This would have gone on for at least five minutes before he removed his hand from my pants and sent me back to my seat.<sup>68</sup>

In 2017, Best was serving a sentence of imprisonment of approximately 25 years for sexually abusing at least 30 children.<sup>69</sup>

'Karl Harry' told us during a private session that he was sexually abused in Grades 5 and 6 at his Christian Brothers school outside Sydney in the 1970s. 'Brother Jones', the teacher, would stand close behind a boy to check his work, touching him and pressing his erection against the boy's back or neck. 'Karl Harry' said 'Brother Jones' would pick a row of students and make his way across, touching each one as he went. On several occasions, 'Brother Jones' forced his hands down 'Karl Harry's' pants and stroked his penis in front of the class.<sup>70</sup>

Some survivors told us they were sexually abused in a playground at their school. In the *Marist Brothers* case study, ADQ gave evidence that in 1984 at St Thomas More Primary School in Campbelltown, New South Wales, she was forced to touch Brother Gregory Sutton's penis and kiss him on the mouth 'so many times that I lost count'.<sup>71</sup> She told us that the abuse occurred at various locations on the school premises, including in the playground during recess and lunch.<sup>72</sup> In 1996, Brother Sutton was convicted of offences committed against three students at the school, including ADQ.<sup>73</sup>

In *Case Study 43: The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious (Catholic Church authorities in Maitland-Newcastle)*, survivors gave evidence about being sexually abused in the playground by religious brothers at their school, Marist Brothers Hamilton in New South Wales, in the late 1960s and early 1970s. CNR and CQT both gave evidence about being sexually abused by Brother Patrick (Thomas Butler) in the playground.<sup>74</sup> CQT told us:

On one occasion, Brother Patrick approached me when I was in line waiting to play handball. He put his hand down inside my pants and fondled me on the bottom. This happened in the middle of the playground in plain sight. There were other teachers around but it did not deter Brother Patrick. He always had a grin on his face when he did it.<sup>75</sup>

## Private spaces

Private spaces on school grounds – such as classrooms without windows or with lockable doors, private offices, toilets, changing rooms and storage facilities – are areas with little or no supervision. Outdoor locations can also provide opportunities for privacy, such as behind sheds or trees, or in the playground while other children are in class. We were told that private spaces allowed perpetrators to be alone with children without raising suspicion, and where they were less likely to be interrupted.

We heard that children were sexually abused in religious schools by their teachers in staff offices or in private rooms off classrooms. In *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, we heard from AOA, who was a student at the Anglican Church-affiliated school from 1964 until late 1965. AOA said that the headmaster, Mr David Lawrence, called AOA's father soon after he started at the school and offered to give him private French classes in his office. These tutorials were held weekly or fortnightly. AOA gave evidence that Mr Lawrence had AOA sit on the lounge and recite passages in French. As the lessons progressed, Mr Lawrence moved closer to AOA and

placed his arm around AOA's waist. He put his other hand on or around AOA's groin. AOA gave evidence that in many of these lessons, Mr Lawrence would 'casually rub my penis to erection, through my trousers as I read through the French lesson book'.<sup>76</sup> Mr Lawrence never said anything during these incidents and AOA began to think this was normal behaviour and part of Mr Lawrence's teaching.<sup>77</sup>

*In Case Study 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse (Australian Christian Churches),* Ms Emma Fretton gave evidence that her teacher Kenneth Sandilands sexually abused her many times in the 1980s while she was a primary school student at Northside Christian College in Melbourne. Ms Fretton said that Sandilands would take her into the sports room which was at the back of the classroom, where the view of others was obscured by posters.<sup>78</sup> It is estimated that during the nine years in which Sandilands taught at the college, allegations were raised that he was involved in sexual abuse or inappropriate behaviour towards 30 children. Sandilands was convicted in 2000 of 12 counts of indecent assault against eight students at Northside Christian College, including Ms Fretton.<sup>79</sup>

Some survivors told us they were sexually abused by their school headmaster in the headmaster's office. 'Leon' attended a Marist Brothers school in Victoria in the 1960s. He told us in a private session that he came to the attention of the school headmaster, 'Brother Fontana', when he expressed an interest in becoming a teacher. 'Brother Fontana' began calling 'Leon' to his office after school, and it was there that he sexually abused 'Leon' over two years. 'Leon' said, 'I spent so many afternoons in that office, wishing it was over, wishing I could get out, just go'.<sup>80</sup>

A number of survivors told us they were sexually abused by a school chaplain or counsellor in their office or study.

*In Case Study 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students (Geelong Grammar School),* Dr Robert Llewellyn-Jones gave evidence that he was sexually abused by the school's Anglican chaplain, Reverend John Davison, when he was 15 years old.<sup>81</sup> He told us Reverend Davison had offered him support and assistance to overcome doubts about Christianity. He met with Reverend Davison in his study on several occasions and they formed a 'trusting relationship'.<sup>82</sup> Dr Llewellyn-Jones gave evidence that on the last occasion, Reverend Davison tried to hypnotise him and wanted to discuss sex. Dr Llewellyn-Jones said that Reverend Davison then offered to teach him about sex and said they could have sex together. He gave evidence that Reverend Davison came toward him with an erection:

Suddenly, his hand was on my upper thigh and I yelled at him – I yelled at him to stop. I saw that the Reverend Davison was sexually aroused. I bolted for the door, but it was locked. I turned back shaking. I was scared that he was going to force himself on me. We had a brief exchange where he told me that it was not going to go down well with Mr Hayward, the deputy headmaster, that I had propositioned the school chaplain.<sup>83</sup>

In *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, a number of former students of the two schools gave evidence that they were sexually abused by their school counsellor, Mr Kevin Lynch.<sup>84</sup> St Paul's School in Brisbane, Queensland, where Mr Lynch taught between 1989 and 1997, is an Anglican school owned by the Corporation of the Synod of the Diocese of Brisbane.<sup>85</sup> One former student of St Paul's School, BSB, gave evidence that he was 12 years old when he began counselling sessions with Mr Lynch because he was having difficulties at home. He said that the sessions continued for three years, more and more frequently, and that he was sexually abused by Mr Lynch throughout that time. The abuse often involved massage and 'relaxation' techniques.<sup>86</sup> BSB gave evidence that the last time he saw Mr Lynch, 'He gave me my own copy of the "relaxation tape" and an additional copy. He told me that he was giving the tape to me so that I could massage other boys in the school who were also being counselled'.<sup>87</sup>

### **Boarding schools**

Boarding schools gave perpetrators of child sexual abuse high levels of access to children. We heard from survivors about experiencing child sexual abuse in religious boarding schools, often in dormitories or staff bedrooms.

In the *Catholic Church authorities in Ballarat* case study, we heard that the live-in 'dorm master', Brother Edward Dowlan, had ready access to the boarders at St Patrick's College in Ballarat, Victoria. Mr Paul Tatchell gave evidence describing his first night of boarding at the school in 1974:

At about 6.30 we went back to the dorm and lights out was at 8.30 traditionally at night ... No sooner had the lights gone out when I seen Dowlan walking between the beds, stopping from time to time, leaning over at certain beds, whispering softly and appearing to be kissing the boys. Every time Dowlan walked near my bed, I crawled under the covers and I remember shaking nervously.<sup>88</sup>

Mr Tatchell told us that Brother Dowlan's punishment of the boys followed a pattern. He said it:

was always done in the seclusion at Dowlan's bedroom at the end of the dormitory, almost always you were punished after lights were out. Every night you'd just line up at the dormitory, he'd call your name and when the lights go out you'd get a hiding from him from in front of the room.<sup>89</sup>

Mr Tatchell told us that one time he followed Brother Dowlan back to his bedroom expecting to be punished. Brother Dowlan asked him to drop his pyjama pants and bend over the bed. Mr Tatchell gave evidence that instead of being physically punished, Brother Dowlan raped him.<sup>90</sup>

In Case Study 23: *The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wahroonga, New South Wales*, ASG gave evidence that he was sexually abused by two of the resident masters, Craig Treloar and Damien Vance, in their rooms at the boarding school:

The abuse happened in the rooms where they resided ... There were times when I was asleep in my bed and Treloar or Vance would come and wake me up to take me back to their room, where I would be given cigarettes and alcohol to be abused. I remember that I always seemed to be allocated a cubicle very close to the resident master's room and where mine was the only bed in the cubicle.<sup>91</sup>

We also heard during private sessions that perpetrators had high levels of access to children in boarding schools. 'Ritchie' told us in a private session that he was sexually abused by the housemaster, 'Jim White', at his religious boarding school in New South Wales. Although 'White's' bedroom was on the other side of the dorm wall, he abused the boys in the dormitory. 'Ritchie', who was in Year 5 at the time, could hear 'White' going around the different beds, and boys crying as he abused them.<sup>92</sup>

'Ewan' attended a Christian boarding school in South Australia in the early 1960s. In his private session, 'Ewan' told us that the housemaster, 'Alan Jervis' would often enter the dormitory after lights out. 'Alan Jervis' would choose one or more boys, sit on their beds, and slip his hand under the covers, so he could fondle them. 'Ewan' was abused by 'Alan Jervis' on about three occasions when he was 15 years old. He believes that up to 50 other boys may have been targeted by the housemaster, some of them experiencing more frequent and more extreme forms of abuse. 'With the lights out it was very dark, no one could actually be sure which other boys were being abused ... Some victims assumed that they were the only ones being assaulted. As a consequence, they felt ashamed, alone and isolated', 'Ewan' said. He recalled that a friend broke down one day and revealed to 'Ewan' that he'd been assaulted by 'Alan Jervis'. The boys then reported the abuse to the school chaplain, and 'Alan Jervis' was dismissed from the school.<sup>93</sup>

We heard that in some religious boarding schools, people in religious ministry were able to summon children to their private quarters. In the *Geelong Grammar School* case study, we heard evidence that students at this Anglican Church-affiliated school were required to take turns assisting Reverend Norman Smith in chapel services. We heard from BKU, who gave evidence that when it came to his turn, he was summoned to Reverend Smith's quarters where the Reverend sexually abused him and another boy.<sup>94</sup>

Students in boarding schools were sometimes vulnerable to abuse because they were away from family support and were homesick. 'Arnett' told us during a private session that in the early 1980s, as a 14-year-old, he had moved from a small country school in Western Australia to a large Catholic boarding school run by the Christian Brothers. To cope with his homesickness he would go to the school chapel each morning and pray. 'This sort of gave me some solace.

At that point I was very close to the faith and God was a big thing in my life', he said. He told us that during his first week he was praying in the chapel when two religious brothers approached him and began threatening him, and one of them slapped him across the face. 'Arnett' told us that he was later sexually assaulted in his bed by the second religious brother. 'Arnett' said that after the religious brother left his dormitory:

I went to the loo. I had blood from my rectum and I sobbed, just sobbed. And cried in my bunk, eventually went to sleep. And I didn't know what to do. There was no, as far as I saw it, there was no recourse available. There was no, there was nothing. You were just isolated.<sup>95</sup>

### Child sexual abuse during school-related activities

Some survivors told us they experienced child sexual abuse while they were students at religious schools, and that the abuse occurred during activities such as school camps or excursions, sport or educational or youth programs.

In the *Catholic Church authorities in Ballarat* case study, we heard evidence that Brother Stephen Farrell, a teacher at St Alipius Boys' School in Victoria, organised for nine boys from his class to go on an overnight camping trip in 1973. BAQ gave evidence that when they went to bed that night, he was sleeping next to Brother Stephen Farrell when the following happened:

Brother Farrell ... unzipped the side of my sleeping bag, reached in and grabbed my genitals. He fondled me for what felt like ages, rubbing my stomach and my genitals and masturbating my penis. He tried to insert his finger into my backside. I was absolutely terrified.<sup>96</sup>

In 1997, Stephen Farrell was convicted of nine counts of indecent assault against two boys at St Alipius Boys' School. He was sentenced to two years' imprisonment, wholly suspended. In 2013, Stephen Farrell was convicted of a further charge of indecent assault on a 10-year-old boy at St Alipius Boys' School. He was sentenced to three months' imprisonment. On appeal, that sentence was wholly suspended.<sup>97</sup>

We heard that some students were sexually abused while playing school sport. In the *Catholic Church authorities in Maitland-Newcastle* case study, we heard that Brother Patrick (Thomas Butler), a teacher at Marist Brothers Hamilton, sexually abused CNV, a Year 7 student, while he was playing cricket at the school:

Brother Patrick came from behind me and grabbed me, holding me in a way that I could not escape. He then proceeded to put his hand down my pants and explored my pubic area. He did whatever he wanted to do for as long as he wanted. I couldn't get away. I just froze.<sup>98</sup>



In *Case Study 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions (Yeshiva Bondi and Yeshivah Melbourne)*, we heard from a number of survivors who told us they were sexually abused by David Cyprys. Cyprys was convicted of offences of child sexual abuse, including offences committed at the premises of Yeshivah Melbourne and during activities associated with Yeshivah Melbourne.<sup>99</sup> The Yeshivah Centre in Melbourne has a day school for boys, the Yeshivah College Melbourne, and a day school for girls, the Beth Rivkah Ladies College. Both are located near the centre's synagogue and ritual bathhouse.<sup>100</sup> When Cyprys was sentenced in 2013, the court found that Cyprys came into contact with those he abused through Yeshivah Melbourne and its associated sporting, educational, religious and youth programs. The sentencing judge observed that activities such as teaching martial arts classes and having access to buildings gave his victims the impression that Cyprys had official authority and standing at Yeshivah Melbourne.<sup>101</sup>

In the *Yeshiva Bondi and Yeshivah Melbourne* case study, AVA gave evidence that he was sexually abused by Cyprys between 1986 and 1989.<sup>102</sup> AVA told us that he attended martial arts classes at Beth Rivkah Ladies College in 1986, when he was 14 years old. During the classes he met Cyprys, who was an instructor's aide. Cyprys offered to give AVA one-on-one instruction in martial arts. Under that pretence, Cyprys sexually abused AVA. AVA gave evidence that the abuse continued over a period of three years and occurred mostly at night on the premises of the Yeshivah Centre in Melbourne.<sup>103</sup>

In the same case study, AVB gave evidence that he was sexually abused by David Cyprys in a classroom at Yeshiva College in Bondi, New South Wales, while they were both involved in a religious learning program.<sup>104</sup> AVB attended the Yeshiva College in Bondi as a primary school student in the 1980s. During that time, there was a religious learning program in place where students of the Melbourne Yeshivah College would attend the Yeshiva College in Bondi and use the classrooms there as accommodation. AVB and his schoolmates were encouraged to look up to these Melbourne Yeshivah College students and engage with them.<sup>105</sup> We received evidence that Cyprys was a student at the Melbourne college from the early 1970's until 1985, and met AVB through this program.<sup>106</sup> AVB said that Cyprys presented himself as a religious man and befriended AVB.<sup>107</sup>

## Child sexual abuse in school-related settings

Volume 13, *Schools*, discusses what we heard about child sexual abuse in settings related to schools. This included school buses and the homes and cars of teachers, staff and students. We heard about child sexual abuse occurring in such settings related to religious schools.

For example, in *Case Study 9: The responses of the Catholic Archdiocese of Adelaide, and the South Australian Police, to allegations of child sexual abuse at St Ann's Special School*, we heard that a number of students with disability were sexually abused by Brian Perkins, the school's bus driver,

from the time when Perkins was first employed at the school, likely in 1986, until 1991 when he was investigated by police.<sup>108</sup> Section 13.9, 'Catholic Church responses to victims and survivors after the development of national procedures' and Section 13.10 'Catholic Church responses to child sexual abuse in schools' discuss the institutional responses to this child sexual abuse.

We also heard about child sexual abuse that occurred in other settings related to religious schools, such as church buildings located on or next to school grounds.

In the case of Catholic schools, many primary schools are attached to parishes and the parish priest has a close relationship with the school. In Catholic schools operated by Victorian dioceses, the parish priest is the employer of the principal and teachers in parish schools.<sup>109</sup> We heard about parish priests who had a formal role in parish schools, for example preparing children for the sacrament of reconciliation and first communion.<sup>110</sup> We also heard about parish priests who had an informal role in parish schools, which might have involved them visiting the school regularly or inviting school children to the presbytery, the priest's residence.<sup>111</sup> Section 13.10 discusses institutional responses to allegations of child sexual abuse by priests in relation to Catholic parish schools.

In *Case Study 35: Catholic Archdiocese of Melbourne (Catholic Archdiocese of Melbourne)*, we heard evidence that Father Peter Searson took primary school children from the Holy Family School in Doveton, Victoria, out of class to confession during the mid-1980s.<sup>112</sup> Ms Julie Stewart gave evidence that she was sexually abused by Father Searson when she was in Year 3 at the school in 1984:

Father Searson lived in the presbytery which was located on the school grounds. I often saw him inside the school. In Grade 3 Father Searson visited my classroom a lot. When he visited, he often hugged me and I saw him hugging other children, girls and boys. At first, I loved the attention that Father Searson gave me. He was a priest and it made me feel special ... I was taken to the church with my class and Father Searson was there.<sup>113</sup>

Ms Stewart told us that the sexual abuse occurred in the confessional in the church when she was preparing for her first communion with Father Searson during school hours.<sup>114</sup>

We also heard that in some cases, people in religious ministry requested that school children be removed from class and brought to them in the church premises located on or next to the school grounds. As discussed in Section 8.4, some survivors, particularly those who were sexually abused in Catholic or Anglican institutions, told us they were sexually abused in the home of the priest. In the Catholic Church the priest's residence is known as the presbytery, and in the Anglican Church it is known as the rectory.

'Annabel' told us in a private session that she was sexually abused by the parish priest at her Catholic primary school in Sydney in the late 1960s. She said that in full view of the teachers and other students 'Father Gallagher' would walk her across the school grounds and into the nearby presbytery. She told us that 'Father Gallagher' took her to his bedroom, where he fondled her and forced her to perform oral sex on him. On some occasions the school principal, a religious sister, took 'Annabel' out of class and sent her to 'Father Gallagher' at the presbytery.<sup>115</sup>

'Anthony' told us in a private session that a Catholic priest, 'Father Rowlands', sexually abused him while he served as an altar boy in the 1950s. 'Father Rowlands' would also call 'Anthony's' teachers during school hours and ask them to send him to the church for 'religious instruction'. 'Anthony' said he did his best to avoid 'Father Rowlands', even jumping the presbytery fence and hiding in the car park. On these occasions, 'Father Rowlands' would report 'Anthony's' absences to the teachers, who then punished 'Anthony' with beatings when he returned to school.<sup>116</sup>

While giving evidence in the *Catholic Church authorities in Ballarat* case study, convicted perpetrator Gerald Ridsdale, a former Catholic priest in the Diocese of Ballarat, indicated that a priest could gain access to children while they were at school by inviting them to the presbytery.<sup>117</sup> We also received evidence that a religious sister said in an interview in 1993 that the principal of a school where Ridsdale taught expressed concerns about such access. The principal is reported to have said that she was 'annoyed' because Ridsdale would have children 'go to the presbytery during play time' and that she told him the children were not to leave the school grounds, but that it continued to happen.<sup>118</sup>

## Experiences of other forms of abuse in religious schools

As discussed in Section 8.2.2, around half the survivors who told us in private sessions about child sexual abuse in religious schools, told us about also experiencing other forms of abuse. In relation to both boarding and day schools we heard from survivors that physical and emotional abuse were part of the school culture. Volume 2, *Nature and cause*, discusses research indicating that children who experience child sexual abuse are also likely to experience other forms of maltreatment. Volume 13, *Schools* discusses what we learned about children who experienced multiple forms of abuse across the school sectors.

In public hearings and private sessions we heard that many survivors of child sexual abuse in religious schools also experienced physical and emotional abuse.

In the *Catholic Church authorities in Ballarat* case study, Mr Paul Auchettl gave evidence that in 1969 he was physically and sexually abused by Christian Brother Robert Best when he was sent to Brother Best's office. Brother Best was the principal of the school and was also the Year 6 teacher. Mr Auchettl told us:

I was in the principal's office at the school with another boy and we were both naked. Best hit me till I cried. He held me quite tightly; that's when he changed from being violent to being tender. That was when he molested me.<sup>119</sup>

Mr Auchettl told us he was sexually abused on a number of occasions by Brother Best in this same pattern:

[Brother Best's] pattern was to be violent until you cried and then he would comfort us and the sex abuse would commence. It became a pattern of isolation, violence, and then the sex, mixed with tenderness.<sup>120</sup>

Some survivors told us that former Christian Brother Edward Dowlan physically and sexually abused them.<sup>121</sup> He was the housemaster at St Patrick's College in Ballarat, Victoria, in the early 1970s. His bedroom or 'cubicle' was at the end of the dormitory. BAA gave evidence that when he started high school at St Patrick's College, Brother Dowlan, who was his Year 7 teacher, tried to sexually abuse him a number of times. BAA described one particularly violent episode that occurred in a shed next to the classroom:

Dowlan was standing behind me and the next thing I knew was that his other hand was reaching around me trying to undo the front of my pants. As he was trying to undo my pants, I knew he was trying to rape me by sticking a finger into my anus. I pushed backwards away from the table and tried to turn around to get away from him. The next thing I felt was Dowlan punching me twice in the back, causing me to fall forwards onto the table again. Dowlan then wrenched me around so that I was facing him again. This time he grabbed the leather strap from the table and began hitting me with it. He would have hit me at least 20 times across my right hand.<sup>122</sup>

Brother Dowlan was jailed in 1996 for sexually abusing boys at a number of Catholic schools in Victoria, including St Patrick's College and St Alipius Boys' School.<sup>123</sup>

Survivor 'Micky Graham' told us in his private session that he was sexually abused by 'Mr Thomas', a teacher at his Protestant boarding school in the 1970s. Later, when the teacher approached him again, 'Micky Graham' refused the teacher's advances. He said that 'Mr Thomas' began to verbally and emotionally abuse him during lessons, which caused his classmates to tease and harass him. After 'Micky Graham' told his parents about the abuse, he said they took him to see the headmaster, who asked him to report the abuse to the police, 'Which I couldn't do. I was so scared, I'd had enough of the bullying. I was so scared that it would just become ten times worse'.<sup>124</sup>

Survivors also told us about experiencing sexual and other forms of abuse by both staff and other children in religious schools. 'Vincent Edgar' told us in a private session that he still feels angry about the physical and sexual abuse he experienced at his Christian boarding school in New South Wales from the late 1960s. 'There was a culture of physical abuse as the main mechanism of discipline,' he said, which led to 'senior boys bullying and physically hitting junior boys for discipline'. He told us that caning was 'a daily part of life' at the school. During his first month at the school, he told us that he was 'black-balled' by the monitors in his boarding house. 'Stripped naked and had shoe polish and Vegemite ... rubbed all over my genitals', he

said. Because it took weeks for this to disappear, 'Vincent Edgar' was constantly mocked and pointed at in the open showers. 'Vincent Edgar' also told us he was sexually abused by two of his teachers at the school.<sup>125</sup>

## Experiences of abuse by other children in religious schools

As discussed above in Section 8.2.3, survivors told us in private sessions about their experiences of sexual abuse by other children in religious schools. Some survivors told us this occurred in the context of physical abuse and bullying behaviour, often in boarding schools. Volume 10, *Children with harmful sexual behaviours*, examines the issue of children with harmful sexual behaviours.

'Kaleb' told us in a private session that he was sexually abused by two boys in his class at a Christian Brothers school in Queensland. The abuse continued for two years, until he begged his mother to take him out of the school, telling her he wanted to leave because of beatings by the religious brothers. 'Kaleb' told us:

When you're in boarding school and someone rapes you and they live there, you have to see them every day and you get raped every day. That's what it feels like ... You were scared to tell, also because it wouldn't be viewed as something that happened to you; it would be viewed as you being part of something that happened.<sup>126</sup>

Another survivor, 'Stew', told us in a private session that he was sexually abused by other students at his Anglican boarding school in New South Wales in the early 1970s:

I was constantly and continually assaulted and abused by older boys right under the nose of masters and teachers ... I was raped before my 12<sup>th</sup> birthday by a pack of boys. I was tormented, assaulted and abused systematically with no redress, not a jot of help ... There was no safe place for me at school.<sup>127</sup>

'Felix Evan' attended a Christian boarding school in Victoria in the mid-1980s. He told us in a private session that 'I never really fitted in, somehow ... There was bullying, mild bullying initially ... but it escalated over the three years I was there'. The sexual abuse started in Form 5, when some boys from the year below began grabbing him and taking his pants off. Sometimes 'Felix Evan's' clothes would be taken from the bathroom, so that he had to walk back to the dormitory naked. He said that the housemaster often told his mother that 'boarding school was meant to be character building'. He recalled one episode where five boys attacked him and, while four of them held him down, the other boy raped him. He said that the school kept it quiet, so nothing was done about it.<sup>128</sup>

We heard from survivors about experiencing sexual abuse by other children while students were unsupervised, including in dormitories in boarding schools or in the school playground.

'Brennan' told us during a private session that he was sexually abused in a boarding school run by the Presbyterian Church, where he was enrolled as a student from the late 1960s. In Year 9, 'Brennan' was placed in a dormitory with a student named 'Eric', who was highly sexualised and had a lot of access to pornography. 'Brennan' said that 'Eric' involved him in sexual activity, sometimes alone and sometimes with other boys. When he moved dormitories in Year 10, 'Brennan' told us he was sexually abused by a new roommate, 'Grant', who was forceful and demanding. The pair were often alone and mostly unsupervised.<sup>129</sup>

'Velma' told us in a private session that her daughter, 'Gabby', was six years old and attended a Catholic school in the early 2000s where she was sexually abused by other students. She said 'Gabby' was assaulted by three students: two boys aged about 13 and 10, and another girl who was older than 'Gabby'. 'Velma' said 'Gabby' told her that one boy held 'Gabby' down while the older boy vaginally penetrated her with pieces of wood and bark as well as trying to rape her. 'Velma' believes that staff had gone inside for an afternoon tea break, not realising that four children were missing, so there was a lack of supervision at the time.<sup>130</sup>

We also heard about children who experienced sexual abuse by other children in religious schools during *Case Study 45: Problematic and harmful sexual behaviours of children in schools*. This hearing examined the responses of a number of government and Independent schools to allegations of problematic or harmful sexual behaviours by students. It examined responses by a number of schools managed by or affiliated with religious organisations, including Shalom Christian College in Townsville, Queensland, affiliated with the Uniting Church,<sup>131</sup> Trinity Grammar School in Summer Hill, New South Wales and The King's School in Parramatta, New South Wales, affiliated with the Anglican Church,<sup>132</sup> and St Ignatius' College in Riverview, New South Wales, a school of the Society of Jesus (the Jesuits).<sup>133</sup> Our learnings from this case study are set out in the case study report.<sup>134</sup> Volume 13, *Schools*, outlines some of the victims' experiences we heard about during this case study.

### 8.3 Child sexual abuse in residential institutions managed by religious organisations

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What a hard, cold, terrifyingly brutal place it was. Underfed, scrawny children swarming everywhere. Severe Christian Brothers stalking the place in their black robes, children dodging them whenever they could. Bullying everywhere from the bigger boys and especially from the Brothers. What really gets me is how respected the Brothers were in the community ... when all the time we were treated as slaves, beaten and abused, used for the Brothers perverted desires. These were terrible years. No love or kindness, no safety or warmth. Always hungry and always frightened.<sup>135</sup>

**Written account, 'Neil Jeffrey'**

Much of the child sexual abuse we heard about during our inquiry occurred in various out-of-home care settings. Of the 6,875 survivors who told us in private sessions about child sexual abuse in institutional contexts, 2,858 (41.6 per cent) told us about abuse in out-of-home care settings. Of these, 1,516 survivors (53.0 per cent) told us about child sexual abuse in out-of-home care settings managed by religious organisations.

Of the 1,516 survivors who told us about child sexual abuse in out-of-home care settings managed by religious organisations, 24 survivors (1.6 per cent) told us about abuse in home based out-of-home care settings such as foster care, and 32 survivors (2.1 per cent) told us about abuse in residential care facilities after 1990. The vast majority (1,419 survivors or 93.6 per cent) told us about abuse in residential institutions before 1990, such as orphanages, children's homes and missions.

This section therefore focuses on child sexual abuse in residential institutions managed by religious organisations before 1990. Many of the large children's residential institutions in Australia were closed by the 1980s.<sup>136</sup> In addition to hearing from many survivors in private sessions, we also examined institutional responses to such abuse in a number of public hearings, as listed in Chapter 1, 'The Royal Commission's work on religious institutions'. Volume 11, *Historical residential institutions*, discusses children's experiences of sexual abuse in residential institutions in the years from World War II to 1990. Some of these institutions were managed by religious organisations.

Volume 12, *Contemporary out-of-home care*, discusses child sexual abuse in contemporary out-of-home care settings since 1990, including home-based care such as foster care or kinship/relative care, as well as residential care in facilities where children are supported by paid staff rather than individual carers.

### 8.3.1 Residential institutions managed by religious organisations in Australia

As discussed in Volume 11, *Historical residential institutions*, social contexts, policy and legislation during the last century meant that children from a range of backgrounds were sent to live in residential institutions, some of which were managed by religious organisations. Until the 1960s in Australia, many children, including Aboriginal and Torres Strait Islander children forcibly removed from their families, child migrants, wards of the state, orphans and other children were placed in such institutions.<sup>137</sup> While the number of children accommodated in residential institutions varied in each state, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children (Forgotten Australians)* estimated that upwards of 500,000 children may have experienced some form of institutional care over the last century.<sup>138</sup>

The 1970s saw considerable change in providing for children in the care of the state, and by 1990 many residential institutions such as orphanages and hostels had closed.<sup>139</sup> However, commissioned research found that changes to government policies and residential institutions



were not always implemented for all children.<sup>140</sup> The shift away from accommodation in large residential institutions came much later for many children, including Aboriginal and Torres Strait Islander children<sup>141</sup> and children with disability.<sup>142</sup>

Chapter 2, 'Religion in Australia', discusses the historical development of the provision of social welfare services by religious organisations in Australia, including residential institutions for children.

Commissioned research indicated that Australian governments have engaged with a wide array of church and other charitable groups to provide welfare services, which historically resulted in a 'complex and diverse mix of out-of-home "care" of children'.<sup>143</sup> Religious organisations established institutions including children's homes, orphanages and missions.<sup>144</sup> Before 1890, most children's institutions had been established by churches.<sup>145</sup> The Catholic Church in particular favoured institutional care, as opposed to out-of-home or foster care, as it was considered 'a way of imbuing the children with religion'.<sup>146</sup> While many residential institutions were state-run, the use of charities for children's institutions was attractive to governments for reasons including that churches were prepared to take children at short notice and non-government organisations provided cheaper options.<sup>147</sup> This pattern of government and private joint control remained for over a century.<sup>148</sup>

A number of previous inquiries have considered child sexual abuse in residential institutions in Australia, including those managed by religious organisations.<sup>149</sup> Chapter 5, 'Australian inquiries relating to child sexual abuse in religious institutions' provides an overview of these inquiries.

## Risk factors in residential institutions managed by religious organisations

We learned from public hearings, written accounts, private sessions and commissioned research about the characteristics of residential institutions that may have increased children's vulnerability to sexual abuse. Our commissioned research outlined aspects of institutional culture, day-to-day operations and environmental features such as an institution's physical location and building design that may have contributed to placing children at risk of sexual abuse by adults and other children.<sup>150</sup> These characteristics are discussed in Volume 11, *Historical residential institutions*.

Many of these characteristics have particular relevance for residential institutions managed by religious organisations. A number of the residential institutions we considered in case studies were located in remote areas and were geographically isolated.<sup>151</sup> These case studies noted the physical remoteness of these institutions and the impact of this isolation on the children who lived in them. Many of these children had no family to visit them, and had little access to people outside the institution and limited interaction with the local community. As noted in Section 8.2 in relation to boarding schools, children in these types of residential settings may have been more vulnerable to sexual abuse without the protective element of parents or other trusted adults to whom they could disclose abuse.<sup>152</sup>

Factors relating to the operation of residential institutions, such as a lack of effective supervision or external oversight of the institution and its staff, may have increased the vulnerability of children to sexual abuse.<sup>153</sup> Residential institutions managed by religious organisations were often staffed by religious brothers and religious sisters and some children also had close contact with priests. As noted above, people in religious ministry are conferred with a unique status and spiritual authority which means they can exert considerable power over children. There was rigid discipline in many of these institutions and staff had control over every aspect of the children's lives. Some staff responsible for maintaining discipline and control in these institutions responded in abusive ways.<sup>154</sup>

Those working in residential institutions often had unfettered access to the children who resided in them. As noted in Section 8.2.1, residential settings were high risk environments, particularly where a potential perpetrator and victim were living in the same institution.<sup>155</sup> Opportunities for perpetrators to sexually abuse children increased where they were in positions requiring intimate care of children (for example, bathing or dressing) or residential supervision, and in positions of trust and power.<sup>156</sup> We also heard about aspects of the physical environment in residential institutions, such as a lack of privacy in showers and staff sleeping in rooms off dormitories, which created risks to the safety of children.<sup>157</sup>

Institutional culture also played a significant role in explaining why people have been able to sexually abuse children in the care of institutions.<sup>158</sup> Institutions with a culture of secrecy and closed systems or processes that are separate from the external world may create opportunities for abuse, increase the difficulty of detection and undermine appropriate responses to abuse.<sup>159</sup> The *Forgotten Australians* report found that abuse appeared to 'thrive and survive' in church-run residential institutions with a 'culture of silence, of power and personal control'.<sup>160</sup> In addition, in institutions with a culture in which physical and emotional abuse and neglect were normalised, victims may have been fearful of reporting and resistance to abuse may be reduced.<sup>161</sup> Chapter 11, 'Disclosure of child sexual abuse in religious institutions', discusses what we were told about the institutional culture in these types of institutions that operated as a barrier to children's disclosure of sexual abuse.

In some cases, there was no effective external oversight of residential institutions. Previous inquiries have noted a compromised relationship between government child welfare authorities, which were responsible for regulating and funding residential institutions, and the religious and other organisations which ran them.<sup>162</sup> Governments often relied on these organisations to care for large numbers of children at relatively low cost, and it was not in the interests of authorities to scrutinise the institutions.<sup>163</sup> The *Forgotten Australians* report noted that there was excessive trust in the 'goodness' of the religious staff administering homes, 'and they were allowed to operate virtually without question'.<sup>164</sup>

In case studies we heard that a lack of effective oversight by government departments left children vulnerable to abuse in residential institutions.<sup>165</sup> We found that the limited role played by state authorities in some church-run residential institutions contributed to the lack of access that children had to adults outside those institutions to whom they could disclose abuse.<sup>166</sup> The *Forgotten Australians* report noted that ‘some care leavers do not recall welfare ever visiting; others remember being dressed up for the occasion but never spoken to; and others commented that they did speak with visiting officers but with little or no result’.<sup>167</sup> Our findings relating to the external oversight of residential institutions managed by religious organisations are discussed in Chapter 18, ‘Responses of other key institutions to child sexual abuse in religious institutions’.

While not inevitably more vulnerable to child sexual abuse, we heard that Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds were more likely to encounter circumstances that increased their risk of abuse in residential institutions. These circumstances are considered below.

## Aboriginal and Torres Strait Islander children

Chapter 7, ‘People we heard about in religious institutions’, outlines, what we heard from Aboriginal and Torres Strait Islander survivors in private sessions about their experiences of child sexual abuse in religious institutions, including residential institutions.

While all children were vulnerable to sexual abuse in residential institutions, Aboriginal and Torres Strait Islander children faced particular risks.<sup>168</sup> Our commissioned research noted that in the past, ‘racist social attitudes and discriminatory legislation, policies and practices against Aboriginal and Torres Strait Islander peoples’ placed children in high-risk institutions.<sup>169</sup> Further, racist beliefs about the ‘inferiority’ of Aboriginal and Torres Strait Islander peoples and patriarchal beliefs about white men’s sexual entitlement were significant factors that increased the vulnerability of Aboriginal and Torres Strait Islander children in institutions.<sup>170</sup> Research noted that ‘perpetrators would have been aware of and party to social attitudes that tolerated and sanctioned (in cases of martial law) violence against Aboriginal and Torres Strait Islander peoples, and this would have heightened the risk for all forms of abuse, including the sexual abuse of children’.<sup>171</sup> In our consultations, survivors spoke about their direct experience of such attitudes in residential institutions, which underpinned their harsh treatment.<sup>172</sup>

Chapter 2 considers the history of Christian missions and their involvement in the everyday lives of Aboriginal and Torres Strait Islander children. The establishment and operation of missions run by religious organisations and government-run reserves is a significant chapter in the history of colonisation, and plays a part in the removal from family, institutionalisation, abuse and attempts to destroy culture of generations of Aboriginal and Torres Strait Islander children.<sup>173</sup>

Most children's institutions, including those run by religious organisations, prohibited Aboriginal and Torres Strait Islander language and cultural practices, and attempted to inculcate children into Christian religions.<sup>174</sup> Survivors told us that on missions children were punished for simply speaking their language and practising their culture.<sup>175</sup> In addition, policies of 'protection' and assimilation 'prevented Aboriginal and Torres Strait Islander parents from raising, visiting, advocating for or protecting their institutionalised children'.<sup>176</sup> Children were placed at risk of sexual abuse when isolated from protective family and culture in this manner.

Chapter 5 outlines previous Australian inquiries which examined laws, policies and practices that resulted in the separation of Aboriginal and Torres Strait Islander children from their families, and the effects of this.<sup>177</sup> *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Bringing them home)* found there was a systemic failure on a national level to regulate and monitor the 'care' of Aboriginal and Torres Strait Islander children separated from their families. It noted that Aboriginal and Torres Strait Islander children in institutions lacked even the basic safeguards available to non-Indigenous wards of the state.<sup>178</sup> Our commissioned research indicated that this lack of regulation, the higher proportion of Aboriginal and Torres Strait Islander children removed from their families and in state care, and the longer periods they spent in institutions relative to non-Indigenous children, alongside other factors of racism and disadvantage, left them especially vulnerable to sexual abuse in residential institutions.<sup>179</sup>

Aboriginal and Torres Strait Islander communities continue to experience the intergenerational and cumulative trauma of forced child removal.<sup>180</sup> *Bringing them home* stated that:

The loss of so many of their children has affected the efficacy and morale of many Indigenous communities. Evidence to the Inquiry referred particularly to the way in which the child-rearing function of whole communities was undermined and denied, particularly where all children were required to live in mission dormitories.<sup>181</sup>

Chapter 10, 'Impacts of child sexual abuse in religious institutions', discusses the impacts on Aboriginal and Torres Strait Islander survivors and communities of child sexual abuse in religious institutions. Research has indicated that the impacts for survivors of this abuse are entwined with the impacts of forced removal and cultural destruction, and that these impacts have community-wide and intergenerational effects.<sup>182</sup> Volume 11, *Historical residential institutions*, discusses experiences of Aboriginal and Torres Strait Islander children in residential institutions before 1990.

## Child migrants

Chapter 7 discusses experiences of survivors of child sexual abuse in religious institutions from culturally and linguistically diverse backgrounds, including some who came to Australia as child migrants. The experiences of child migrants in institutional care have been documented in previous inquiry reports such as *Lost Innocents: Righting the record – Report on child migration (Lost Innocents)*.<sup>183</sup>

Thousands of children from Britain and Malta were sent as unaccompanied child migrants to live in Australia in the 20<sup>th</sup> century. Approximately 3,000 to 3,500 children were sent under approved child migrant schemes during the post-war period.<sup>184</sup> Governments largely relied on private and religious organisations to promote child migration and receive children once they arrived in Australia.<sup>185</sup> Often child migrants were placed in residential institutions managed by churches.<sup>186</sup>

As discussed in Chapter 2, the Catholic Church and a number of Protestant churches participated in child migrant schemes during the 20<sup>th</sup> century, along with non-denominational charities such as the Fairbridge Society and Barnardos.<sup>187</sup> According to one estimate, 1,355 child migrants were placed in Catholic institutions in Australia in the 20<sup>th</sup> century.<sup>188</sup> This included a large number who were sent to four Christian Brothers homes that operated in Western Australia from the late 1920s and closed down between the 1960s and 1980s. We examined institutional responses to child sexual abuse in these homes during *Case Study 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School (Christian Brothers)*.<sup>189</sup> The *Lost Innocents* report noted that almost two-thirds of the submissions it received from former child migrants regarding allegations of sexual assaults were from these four Christian Brothers institutions.<sup>190</sup>

The *Lost Innocents* report detailed the widespread sexual and physical abuse of child migrants in Australia and noted the 'complete disregard for the needs, the safety and wellbeing of many child migrants [emphasis in original]'.<sup>191</sup> The report noted that many child migrants were isolated from the general community, and their connection with their families was 'severed or actively discouraged by carers', resulting in a loss of personal identity, and disconnection from culture and country of origin.<sup>192</sup>

The *Lost Innocents* report stated that sexual assaults of child migrants in the care of institutions were perpetrated by a range of people, including 'priests at the institution, members of families to whom children were sent on holidays or to work, workers at the institution, regular visitors to the institution, and also in some institutions by other older children'.<sup>193</sup>

In private sessions and public hearings we heard about similar experiences from survivors who told us about child sexual abuse in residential institutions managed by religious organisations. We heard about the ways in which child migrants in these institutions were socially and physically isolated, and how this left them vulnerable to sexual abuse and without anyone to whom they could disclose the abuse.<sup>194</sup> Volume 11, *Historical residential institutions*, discusses the experiences of child migrants and other children in residential institutions before 1990 in further detail.

Previous Australian inquiries including *Lost Innocents* are discussed further in Chapter 5. In Chapter 4, 'Overseas inquiries relating to child sexual abuse in religious institutions', we discuss the Inquiry into the Welfare of Former British Child Migrants conducted by a United Kingdom parliamentary committee in 1998, which found 'widespread and systemic sexual abuse' in the Christian Brothers institutions in Western Australia.<sup>195</sup> We also discuss the Independent Inquiry into Child Sexual Abuse established by the United Kingdom Government, which in 2017 commenced public hearings on the sexual abuse of children in British child migration programs.<sup>196</sup>

## Children with disability

Chapter 7 outlines what we heard about the experiences of people with disability who were sexually abused as children in religious institutions, including residential institutions. Many had cognitive or intellectual impairments; others had physical, sensory and psycho-social disabilities. We also heard from parents and carers of survivors with disability. Volume 2, *Nature and cause*, outlines what we learned about children with disability who experienced sexual abuse in institutional contexts. It discusses research suggesting that children with disability are around three times more likely to be sexually abused than children without disability,<sup>197</sup> and considers reasons why children with disability face a greater risk of child sexual abuse in institutional contexts.

Children with disability were placed in both disability-specific institutions and generic residential settings for children.<sup>198</sup> Disability-specific institutions mainly housed children with intellectual disability. These children were often housed with adults with intellectual disability and mental illness in the same large hospital-style institutions.<sup>199</sup>

Our commissioned research indicated that the segregation of children with disability in 'closed institutional contexts away from public scrutiny' created, and still creates, an increased risk of harm including sexual abuse.<sup>200</sup> Children with high support needs often rely on professionals for daily care and can be more dependent on institutions than other children.<sup>201</sup> The research noted that well into the 1970s there was a lack of community awareness about children with disability who had been 'put away' in 'mental institutions', where they received limited care, schooling or activities.<sup>202</sup>

A series of government reports from the late 1970s reported 'profound detrimental effects' in separating people with disability from the wider community.<sup>203</sup> These reports frequently recommended that such institutions be progressively closed and replaced with integrated community services. However, many children with disability continued to be housed in large-scale residential institutions well into the 1980s and early 1990s, and many people who had entered institutions as children remained there as adults.<sup>204</sup>

Many institutions providing services for children with disability have been managed by religious organisations in Australia.<sup>205</sup> As discussed in Chapter 7, Section 13.1, ‘Structure and governance of the Catholic Church’, and Section 13.3, ‘Private sessions and data about child sexual abuse in the Catholic Church’, these institutions included the Kendall Grange facility in New South Wales, a residential school for boys with intellectual disabilities that became a residential school for boys with behavioural problems in 1980; and the Cheltenham Residential Training Centre in Victoria, which housed boys with mild intellectual disabilities. Both institutions were run by the St John of God Brothers.<sup>206</sup> The Catholic Church claims data indicated that both of these facilities were the subject of claims alleging the sexual abuse of children with disability.<sup>207</sup>

The experiences of children with disability in residential institutions before 1990 are discussed further in Volume 11, *Historical residential institutions*.

### 8.3.2 Nature and extent of child sexual abuse in residential institutions

I was in the main dormitory when I first got to [St Mary’s Agricultural School] Tardun. The brothers had a room that was part of the dormitory and they took it in turns to supervise the boys. I describe it now as the ‘brothers’ den’ because it was like a lion’s den. I saw boys being taken into the brothers’ den night after night ... At first, I thought that the boys were being punished for something that they had done. When the boy entered the brother’s room, the curtains would be closed. After that, I’d often hear the boy saying, things like ‘No, sir, please, no, sir’ ... The morning after, boys who had been taken into a brother’s den seemed to change. They could barely walk or talk. I often also saw the boys’ beds were soiled with blood and sometimes even faeces. It was only later that I realised what the brothers were doing to them.<sup>208</sup>

**Survivor, VG**

#### Extent of child sexual abuse in residential institutions

Child sexual abuse in residential institutions managed by religious organisations was one of the most common areas of concern we heard about during our inquiry.

Much of the child sexual abuse in residential institutions that we heard about related to institutions under religious management. Of the 2,158 survivors who told us in private sessions about child sexual abuse in residential institutions before 1990, 1,419 (65.8 per cent) told us about abuse in residential institutions managed by religious organisations.

Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions, more than one-third (1,419 survivors or 35.2 per cent) told us about abuse in residential institutions before 1990.



Table 16.12 sets out the number and proportion of survivors who told us in private sessions about child sexual abuse in residential institutions managed by religious organisations before 1990, by religious organisation. For example, of the survivors who told us about child sexual abuse in Anglican institutions, more than one-third (214 survivors or 36.0 per cent) told us it occurred in residential institutions before 1990.

**Table 16.12 – Number and proportion of survivors who told us about child sexual abuse in residential institutions managed by religious organisations before 1990, private sessions, May 2013–May 2017**

Religious organisation	Number of survivors <sup>a</sup>	Survivors who told us about abuse in residential institutions before 1990 as a proportion of survivors by religious organisation (%) <sup>a</sup>
Catholic	715	28.7
Salvation Army	243	82.7
Anglican	214	36.0
Uniting Church	31	32.0
Jewish	<5	<20.0

<sup>a</sup> The number and proportion of survivors in private sessions has not been provided where there were fewer than five survivors, as this could potentially lead to a survivor being identifiable.

None of the survivors who told us about child sexual abuse in Pentecostal churches or the Jehovah’s Witnesses institutions said that it occurred in residential institutions before 1990.

The 715 survivors who told us in private sessions about child sexual abuse before 1990 in residential institutions managed by the Catholic Church represented almost three in 10 (28.7 per cent) of those who told us about abuse in Catholic institutions.

The Catholic Church claims data showed that residential institutions were identified in the second highest number of claims of child sexual abuse (29 per cent of all claims), after schools.<sup>209</sup> While many more schools were identified as locations of abuse than residential institutions, the average number of claims made in relation to residential institutions was much higher than those made in relation to schools. Of the 83 Catholic residential institutions that were the subject of claims, an average of 15.9 claims were made in relation to each Catholic residential institution, while an average of four claims were made in relation to each Catholic school that was the subject of claims.<sup>210</sup>

The Catholic Church claims data also showed which of its institutions were named in the most claims. Nine of the 10 institutions that were identified in the most claims of child sexual abuse were residential institutions.<sup>211</sup> Together, these nine institutions were identified in a total of 1,037 claims, being 24 per cent of all claims that named an institution. BoysTown Beaudesert,

which was a residential institution managed by the De La Salle Brothers in Queensland, was identified in more claims than any other Catholic institution (219 claims).<sup>212</sup> Section 13.3 outlines what we learned about the nature and extent of child sexual abuse in a number of Catholic Church authorities that managed residential institutions, including the De La Salle Brothers and other Catholic orders.

In our case studies we examined institutional responses to child sexual abuse in a number of residential institutions managed by Catholic Church authorities.<sup>213</sup> These case studies are discussed in Chapter 13, 'Catholic Church'.

As noted above, the 214 survivors who told us in private sessions about child sexual abuse before 1990 in residential institutions managed by the Anglican Church represented more than one-third of those who told us about abuse in Anglican institutions.

The Anglican Church complaints data showed that complaints that identified residential institutions comprised 14 per cent of complaints of child sexual abuse received by Anglican Church dioceses.<sup>214</sup> However, some Anglican Church dioceses may not have required affiliated institutions – including residential institutions – to report complaints to the diocese, and consequently they would not have been included in the complaints data survey.

In our case studies we examined institutional responses to child sexual abuse in a number of residential institutions managed by the Anglican Church.<sup>215</sup> These case studies are discussed in Chapter 12, 'Anglican Church'.

We heard from 243 survivors in private sessions about child sexual abuse before 1990 in residential institutions managed by The Salvation Army, representing the majority (82.7 per cent) of those who told us about abuse in The Salvation Army. We examined institutional responses to child sexual abuse in some of these residential institutions in our case studies on The Salvation Army.<sup>216</sup> These case studies are discussed in Chapter 14, 'The Salvation Army'.

## Forms of child sexual abuse in residential institutions

Of the 1,419 survivors who told us in private sessions about child sexual abuse in residential institutions managed by religious organisations before 1990, most (1,210 survivors or 85.3 per cent) told us about the form of child sexual abuse. Among these survivors, the most common forms of child sexual abuse we heard about were non-penetrative contact abuse (856 survivors or 70.7 per cent), penetrative abuse (725 survivors or 59.9 per cent) and violations of privacy (324 survivors or 26.8 per cent). Just over one-tenth (138 survivors or 11.4 per cent) told us about grooming.

The proportion of survivors who told us about penetrative abuse in residential institutions managed by religious organisations was greater than in religious schools, places of worship or during religious or recreational activities.

## Other forms of abuse in residential institutions

Of the 1,419 survivors who told us in private sessions about child sexual abuse in residential institutions managed by religious organisations before 1990, almost three-quarters (1,054 survivors or 74.3 per cent) told us about also experiencing other forms of abuse. The most common other forms of abuse we heard about were physical abuse (867 survivors or 82.3 per cent of those who told us about another form of abuse) and emotional abuse (840 survivors or 79.7 per cent). This was followed by neglect (308 survivors or 29.2 per cent) and child labour (262 survivors or 24.9 per cent).

The information gathered from private sessions is largely consistent with the Catholic Church claims data, which showed that 72 per cent of child sexual abuse claims relating to a residential institution also involved allegations of physical abuse.<sup>217</sup>

## Frequency and duration of child sexual abuse in residential institutions

Of the 1,419 survivors who told us in private sessions about child sexual abuse in residential institutions managed by religious organisations before 1990, the vast majority (1,302 survivors or 91.8 per cent) provided information about the frequency of abuse. Of these, most survivors (1,143 survivors or 87.8 per cent) told us about multiple incidents of child sexual abuse across one or more residential institutions managed by religious organisations before 1990.

Of the 1,018 survivors who told us in private sessions about child sexual abuse in residential institutions managed by religious organisations before 1990, who provided information about the duration of abuse, 429 survivors (42.1 per cent) told us about abuse lasting for one year or less, 463 survivors (45.5 per cent) told us about abuse lasting between one and five years, 163 survivors (16.0 per cent) told us about abuse lasting between five and 10 years, and 18 survivors (1.8 per cent) told us about abuse lasting for more than 10 years.<sup>218</sup>

The Catholic Church claims data showed that the average duration of alleged child sexual abuse in Catholic residential institutions was 3.7 years.<sup>219</sup> The Anglican Church complaints data showed that the average duration of alleged child sexual abuse in Anglican residential institutions was 3.5 years.<sup>220</sup>

### 8.3.3 People we heard about in residential institutions

#### Victims in residential institutions

We heard that many children experienced sexual abuse in residential institutions managed by religious organisations before 1990. This included boys and girls of various ages.

Of the 1,419 survivors who told us in private sessions about child sexual abuse in residential institutions managed by religious organisations before 1990:

- 931 (65.6 per cent) were male and 486 (34.2 per cent) were female
- of those who provided information about the age of the victim at the time of first abuse, 545 survivors (45.1 per cent) told us the victim was aged between 10 and 14 years at the time of first abuse, and 488 survivors (40.4 per cent) told us the victim was aged between five and nine years at the time of first abuse
- 295 survivors (20.8 per cent) identified as Aboriginal or Torres Strait Islander
- 42 survivors (3.0 per cent) told us they had disability at the time of the abuse
- 36 survivors (2.5 per cent) identified as being from a culturally or linguistically diverse background.

Many more Aboriginal or Torres Strait Islander survivors told us about child sexual abuse in residential institutions managed by religious organisations before 1990 than in other religious contexts such as schools, places of worship or religious activities.

In private sessions, we heard about child sexual abuse at 87 missions, most of which (51 missions, or 58.6 per cent) were managed by religious organisations.

The Catholic Church claims data and the Anglican Church complaints data provided detail about those who alleged child sexual abuse in residential institutions managed by those religious organisations. These data sources showed the following:

- The majority of those who made a claim in relation to child sexual abuse in a Catholic residential institution or a complaint in relation to an Anglican residential institution were male. The Catholic Church claims data showed that of all claimants who alleged child sexual abuse in a residential institution, 81 per cent were male.<sup>221</sup> The Anglican Church complaints data showed that of all complainants who alleged child sexual abuse in a residential institution, 79 per cent were male.<sup>222</sup>
- The average age of boys at the time of the first alleged incident of child sexual abuse in a residential institution managed by the Catholic Church was 11 years, while for girls it was nine years.<sup>223</sup>

- The average age of boys at the time of the first alleged incident of child sexual abuse in a residential institution managed by the Anglican Church was nine years.<sup>224</sup>

Volume 11, *Historical residential institutions*, discusses in further detail what we learned about victims and survivors of child sexual abuse in residential institutions before 1990.

## Perpetrators in residential institutions

Survivors of child sexual abuse in residential institutions managed by religious organisations told us they were abused by many different types of perpetrators. These included staff who worked at the institutions, other adults who lived on the premises, visitors, lay people and people in religious ministry.

While there is no typical profile of perpetrators in residential institutions, in private sessions we were told about some characteristics of perpetrators more often than others. Of the 1,419 survivors who told us in private sessions about child sexual abuse in residential institutions managed by religious organisations before 1990:

- 827 survivors (58.3 per cent) provided information about the age of the person who sexually abused them. Of these, the majority (596 survivors or 72.1 per cent) told us about abuse by an adult perpetrator.
- Of those who told us about abuse by adult perpetrators, the vast majority (539 survivors or 90.4 per cent) told us about abuse by a male and 80 survivors (13.4 per cent) told us about abuse by a female. Some survivors told us about abuse by both a male adult and a female adult.
- Of those who told us about the position held by a perpetrator, 538 survivors (39.9 per cent) told us about abuse by people in religious ministry, 448 survivors (33.2 per cent) told us about abuse by residential care workers, 198 survivors (14.7 per cent) told us about abuse by housemasters, 121 survivors (9.0 per cent) told us about abuse by foster carers, 82 survivors (6.1 per cent) told us about abuse by ancillary staff members, and 62 survivors (4.6 per cent) told us about abuse by teachers. Survivors told us about some perpetrators who held more than one position, such as people in religious ministry who were also residential care workers. Survivors also told us about multiple perpetrators who held different positions.

As discussed in Section 7.2.2, most of the adult perpetrators of child sexual abuse in religious institutions that we heard about were males; relatively few survivors told us about abuse by female adults. Of the 139 survivors who told us about child sexual abuse by female adults in religious institutions, most (80 survivors or 57.6 per cent) said that abuse took place in residential institutions before 1990.

The positions of the perpetrators we heard about in private sessions in relation to child sexual abuse in residential institutions before 1990 varied between religious organisations. Most survivors who told us about abuse in residential institutions managed by The Salvation Army or the Anglican Church told us about abuse by residential care workers or housemasters. Most survivors who told us about abuse in residential institutions managed by the Catholic Church told us about abuse by people in religious ministry or residential care workers.

The Anglican Church complaints data showed that, of complaints that alleged child sexual abuse in a residential institution, 19 per cent identified a member of the clergy as the alleged perpetrator and 60 per cent identified a lay person.<sup>225</sup>

The Catholic Church claims data showed that the majority of claims of child sexual abuse relating to residential institutions identified a religious brother as an alleged perpetrator (51 per cent).<sup>226</sup> Priests were identified as alleged perpetrators in a quarter (26 per cent) of the claims that identified a residential institutions, followed by lay people (14 per cent) and religious sisters (7 per cent).<sup>227</sup> The institution type with the highest proportion of claims identifying more than one alleged perpetrator was residential institutions.<sup>228</sup>

During the hearing for *Case Study 50: Institutional review of Catholic Church authorities*, Professor Neil Ormerod, Professor of Theology at the Australian Catholic University, commenting on the Catholic Church claims data, told us about the relationship between the access that people in religious ministry had to children, and child sexual abuse. He told us that those perpetrators who had the greatest access to vulnerable children had the highest numbers of claims of abuse.<sup>229</sup> Professor Ormerod highlighted that the St John of God Brothers, who ran facilities for children with mental and physical disabilities, had a very high proportion of alleged perpetrators of sexual abuse.<sup>230</sup> The Catholic Church claims data showed that 40.4 per cent of St John of God Brothers who ministered in the period 1950 to 2010 were alleged perpetrators, when taking into account the duration of ministry.<sup>231</sup>

We discuss the access of people in religious ministry to children in Chapter 9, 'Characteristics of child sexual abuse specific to religious institutions'. Section 13.3 outlines what we learned about the nature and extent of child sexual abuse in a number of Catholic Church authorities that managed residential institutions, including the Christian Brothers, the De La Salle Brothers, the Marist Brothers and the St John of God Brothers.

## Children with harmful sexual behaviours in residential institutions

While most survivors who told us about child sexual abuse in residential institutions managed by religious organisations told us about adult perpetrators, we also heard from many survivors about sexual abuse by other children.

Of those who told us during private sessions about child sexual abuse in residential institutions managed by religious organisations before 1990, and who also told us about the age of the person who sexually abused them, 321 survivors (38.8 per cent) told us about abuse by another child. This was much higher than in religious schools (112 survivors or 11.3 per cent), places of worship or religious activities (40 survivors or 6.2 per cent), and recreational activities affiliated with religious organisations (fewer than five survivors).

Most of those who told us in private sessions about sexual abuse by other children in residential institutions managed by religious organisations before 1990 told us about abuse by a boy (265 survivors or 82.6 per cent), and 62 survivors (19.3 per cent) told us about abuse by a girl.<sup>232</sup> Of those who told us about child sexual abuse in residential institutions managed by religious organisations before 1990, The Salvation Army was the religious organisation with the highest proportion of survivors who told us about abuse by other children (66 survivors or 46.5 per cent of those who told us about the age of the person who sexually abused them).

Experiences of survivors who told us about abuse by other children in residential institutions managed by religious organisations are discussed later in this chapter.

Volume 10, *Children with harmful sexual behaviours*, discusses issues related to children with harmful sexual behaviours across different institutional contexts.

### 8.3.4 Experiences of child sexual abuse in residential institutions

Volume 11, *Historical residential institutions*, discusses what we heard about experiences of survivors of child sexual abuse in a range of residential institutions before 1990. This section discusses what we heard in public hearings, private sessions and written accounts about common experiences of child sexual abuse in residential institutions managed by religious organisations before 1990.



## Experiences of isolation

Survivors frequently emphasised the impact of the isolation of residential institutions.

In *Case Study 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol (St Joseph's Orphanage, Neerkol)*, one survivor gave evidence that the children at the orphanage were 'extremely vulnerable. We were kept 15 miles out of Rockhampton, away from any oversight. They could do whatever they wanted with us out there'.<sup>233</sup> A survivor of abuse at a Salvation Army girls' home told us in a private session that the institution was 'terrifying' and cruel, and 'all communication with the outside world was cut off' from her.<sup>234</sup> Another survivor, who told us in a written account of his experiences in a Christian Brothers home in the 1950s, wrote that the children 'were totally under [the] control' of the religious brothers, and disobedience or trying to prevent sexual abuse 'usually led to extreme violence'. He felt he had no choice but to let the religious brothers sexually abuse him.<sup>235</sup>

In the *Christian Brothers* case study, we found that boys living in the four residential institutions run by the Christian Brothers in Western Australia had little contact with those outside the homes because many were child migrants or orphans and did not have families to visit them.<sup>236</sup> Mr John Wells gave evidence that at Castledare Junior Orphanage some of the religious brothers used to 'bash' the children, and that 'there were certain categories of boys that the brothers picked on more than others. They particularly picked on orphans who had no connections outside the institution. They were more alone and vulnerable'.<sup>237</sup>

Another survivor, VG, who gave evidence that he was sexually abused by a farmer who he was sent to do work for while living at St Mary's Agricultural School Tardun, said: 'I had nowhere to run. I could not contact the police because they were 40 miles away ... I had no way of getting there ... I felt so isolated and desperate'.<sup>238</sup> VG was a child migrant and said he gave letters to the religious brothers to post to his mother in Malta. He said he waited for a response but never received one.<sup>239</sup>

Many Aboriginal and Torres Strait Islander survivors explained they had family, but their family members were prevented from seeing them or contacting them in residential institutions. 'Kathleen Grace' was aged 11 or 12 when her mother died. She told us in a private session that she and her siblings were placed in an Aboriginal mission in Western Australia in the mid-1960s. She said that the children were told that it was a sin to speak to other Aboriginal people, so they were not allowed to talk to family members if they came to the gate.<sup>240</sup>

Survivors told us that the impact of isolation could be even greater for children with disability. One survivor described being segregated from other children without disability at a Catholic orphanage during the 1950s. In a private session, 'Tui' told us she arrived at the orphanage with her four siblings, but was separated from them and the other children straight away. 'Tui' had polio and told us she was kept in a room far away from the main buildings, confined to her bed and not allowed to attend school or have any contact with the other children. She described how she was totally reliant on her main carer, 'Sister Ludwig', who was also abusing her, for her most basic needs. 'Tui' said she did not have contact with her siblings during the seven years that she lived at the orphanage and has not had much contact with them since.<sup>241</sup>

## Experiences of child sexual abuse

### Dormitories and staff bedrooms

Children in residential institutions managed by religious organisations frequently lived in shared dormitory-style accommodation with other children. We heard that institutions lacked adequate supervision of staff and children were sexually abused by staff members who were responsible for their care. Survivors told us about being ‘fondled’ and ‘molested’ by staff while they were in their beds in shared dormitories. In some institutions, staff bedrooms were next to the dormitories where the children slept. We heard that this provided perpetrators with easy access to children in their dormitories at night, when the abuse often occurred. We also heard that children were taken into staff bedrooms where they were sexually abused, and that frequently this included penetrative abuse.

In the *Christian Brothers* case study, survivors told us that perpetrators were often the religious brothers who supervised the dormitories. We found that the boys were required to make up the religious brothers’ rooms, which meant that brothers were able to be alone with boys in their rooms.<sup>242</sup>

Mr John Hennessey, who was placed at Bindoon Farm School in the late 1940s, gave evidence that every night the religious brothers came into the dormitory and ‘took individual boys into their rooms for the night, or molested them in front of us’.<sup>243</sup> Mr Wells gave evidence that a number of the religious brothers sexually abused the boys at St Vincent’s Orphanage Clontarf, where he was sent to live as a boy in the 1950s. Mr Wells told us:

In the summer months we would sleep out on the verandah and the Brother would walk down at the foot of the beds and make his selection. To call the boy, he would stroke a boy’s foot. He would then keep walking to the end of the room before nodding at the boy. This nod meant that the boy had to get out of bed and go to the Brother’s room. As the boy walked down, the other boys would ridicule him and say things like, ‘You’re Brother So-and-So’s bum boy ...’ [The boy] would often be crying because he knew what was coming and knew that he was going to be in pain.<sup>244</sup>

In a private session, ‘Hamish’ told us that he was sexually abused by three Christian Brothers at an orphanage in Western Australia in the mid-1950s, which he described as ‘a smorgasbord for paedophiles’.<sup>245</sup>

Another survivor, ‘Neil Jeffrey’ told us in a written account that after he arrived at a Christian Brothers home as a young boy in the 1950s, two religious brothers:

worked together, taking it in turns to abuse me. One night one would come to my bed, the next night the other. They would sit on my bed and slip their hand underneath to fondle my private parts.

'Neil Jeffrey' told us that after a while the religious brothers started taking him to their rooms, and that:

they would lay on their bed and make me masturbate them. I remember how awful it was, the terrible smell and the sweat, and the sounds they made frightened me ... Sometimes they would give me a few lollies, tell me I mustn't tell anyone and send me back to my bed.<sup>246</sup>

'Neil Jeffrey' told us that this continued for three years, until he went to another home. 'I remember skulking around, eyes down, always talking with my hand over my mouth, trying to hide, to disappear.'<sup>247</sup>

Other survivors told us about child sexual abuse by Salvation Army officers and other staff members in homes run by The Salvation Army. In *Case Study 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated (The Salvation Army children's homes, Australia Southern Territory)*, BMB gave evidence that he was placed at Eden Park Boys' Home in South Australia in about 1960 when he was 12 or 13 years old. BMB gave evidence about the sexual abuse of other boys that he witnessed in the dormitories and the bathrooms at night, and about being aware of sexual abuse by staff members during the day.<sup>248</sup> He said:

In the dormitories at night, I recall pulling the pillow over my face and trying to black out what I could hear. Going to bed at night was a terrifying experience. I recall children being sexually abused in the dormitories in the beds. I saw some of the boys being forced to administer oral sex. They would be beaten into submission if they refused. It happened constantly. It was not only in the beds at night but also in the bathroom at the end of the dormitory. At night I could hear the sound of beatings and screaming. None of us wanted to go to bed at night.<sup>249</sup>

In the same case study, Mr Philip Hodges gave evidence that he was sexually abused by staff at Bayswater Boys' Home in Victoria within a couple of weeks of arriving there in the 1960s, when he was 11 years old. He recalled that Salvation Army officers took him from his bed to the 'sleep-over room' and played with his genitals. Mr Hodges told us that whenever someone new arrived at Bayswater it would not be long before 'we'd notice it happening to them'. He said that the officers would come into the dormitory, grab a boy and take them into the sleep-over room, and that about 10 minutes later you would hear the boy crying.<sup>250</sup>

Survivors also told us about child sexual abuse in residential institutions managed by other religious organisations such as the Anglican Church. Some survivors told us they were moved from home to home and were sexually abused in more than one residential institution.

In Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home), CA gave evidence that she was placed in the home in about 1950, when she was five years old. She told us that she was sexually abused by an Anglican minister who:

would hear our prayers in the dark dormitory at the top end of the home. A chair pulled to the chosen child's bed and as all chanted the prayers, his hands would wander over the small budding body. His mouth on lips that had never known a gentle human touch, while his tongue would explore a mouth that needed to scream.<sup>251</sup>

'Clyde' told us in a private session that within a short time of arriving at a Victorian Anglican boys' home in the 1950s at the age of six, he was sexually abused by a person who came into the dormitory and put their hands under his bedcovers and fondled him. 'I remember seeing the silhouette dressed in sort of religious clothing like cassocks or what they used to wear in church, and them sitting on the bed.'<sup>252</sup>

Another survivor, 'Antony', told us in a private session that he was raped in the office of the priest at an Anglican-managed boys' home in Melbourne in the 1940s, where 'Antony' resided for six months. He told us that the priest raped him twice in his office.<sup>253</sup> 'Antony' said he was then placed in a Salvation Army home where he was sexually abused by two officers, including 'Envoy Brown', who was in charge of 'Antony's' dormitory. He told us that when 'Envoy Brown' was away for the night, 'Lieutenant Darren Wilson' took 'Antony' into 'Envoy Brown's' room or the clothes store, where he sexually abused him.<sup>254</sup>

'Monty' was sent to an Aboriginal children's home run by the Protestant Church in the Northern Territory in the early 1960s, when he was seven years old. 'Monty' told us in a private session that his housefather, 'Mr Rogers', would come into the dormitory where 'Monty' slept and place his penis in 'Monty's' hand, and also try to put it in his mouth. The abuse continued almost nightly for three or four years. After each time, 'Monty' said he 'would cry myself to sleep wanting my mum'. 'Monty' told us that at first he thought what 'Mr Rogers' was doing was 'normal as he was doing it to other children at the home as well. As I got older, I felt bitter towards him, as I started to realise that what he was doing was wrong'.<sup>255</sup>

## Violations of privacy

One aspect of residential institutions managed by religious organisations that we commonly heard about was a lack of privacy for children. We heard that, living in the same confined space with adult staff members in these institutions, children had little privacy from adults or from other children. In the *Christian Brothers* case study, we found that the physical conditions at the four residential institutions run by the Christian Brothers in Western Australia permitted no privacy and required the boys to be naked in front of the Brothers and each other.<sup>256</sup> We heard evidence that at Castledare Junior Orphanage, one of the religious brothers would 'look over the partition wall and stare at the boys' while they were showering. Other survivors gave evidence of boys being watched or leered at by the Brothers while showering at St Vincent's

Orphanage Clontarf and St Mary's Agricultural School Tardun.<sup>257</sup> Mr John Hennessey gave evidence that at Bindoon Farm School the Brothers inspected the boys closely when they were showering. He recalled that the Brothers would 'help' the boys, including him, to wash properly, commenting on their genitals and 'lifting [their] testicles with their finger or a cane'.<sup>258</sup>

We heard of similar experiences in Salvation Army institutions. In *The Salvation Army children's homes, Australia Southern Territory* case study, Mr David Reece gave evidence that when he was transferred to Box Hill Boys' Home in Victoria as a ward of the state, one of the Salvation Army officers would sit in the showers and watch him and the other boys.<sup>259</sup>

Survivors told us in private sessions that in some residential institutions, violations of privacy were so commonplace they seemed 'normal' and that they occurred in the context of other sexual abuse. 'Noel Peter' was placed in a number of children's homes in New South Wales from when he was very young, in the mid-1960s. 'Noel Peter' told us in his private session that he was physically and sexually abused in a group home run by the Methodist Church. He told us that the first time he remembered 'waking up one night, face down on the bed and basically, I was being raped ... I didn't know what it was. I remember saying something and I was just told to shut up ... But from there, all sorts of things happened'. 'Noel Peter' also told us, 'We were shown holes in walls where they were peeking at people and I was taught from an early age ... [It] almost became normal'.<sup>260</sup>

Another survivor, 'Tami', told us that in the early 1970s when she was 10 years old, she was sent to a Protestant children's home in Sydney. 'Tami' described the six years she spent there as 'my hell hole'. She told us that there was no privacy at the home. 'The toilets had no doors, no curtains around the baths ... The matron was always hovering over you – and she always seemed to pick on me.' 'Tami' said that the matron also made the girls stand naked in the locker room. 'If you moved, you'd get hit – and then she'd be always touching you and feeling you. It happened every day.'<sup>261</sup>

### **Other locations of abuse**

Survivors told us about experiencing child sexual abuse in other locations inside residential institutions, on the grounds, or in the presbytery or rectory connected to the institution.

In the *Christian Brothers* case study, we heard evidence from survivors that they were sexually abused in various locations on the grounds of the residential institutions, including the piggery and vineyards at Bindoon Farm School, and in the chapel at Tardun.<sup>262</sup> One survivor, VV, gave evidence that he was sexually abused by one of the religious brothers, Brother Angus, in the hayshed at Bindoon Farm School:

As I lay face down under the chaff cutter cleaning the debris out, Brother Angus suddenly pulled me back by the legs and my shorts. My shorts came off. I was really surprised as I didn't know what was happening. He dragged me backwards and then pulled me up and pushed me face down on to the front wheel of the tractor ... It was extremely painful and I began to cry out with the pain and fear.<sup>263</sup>

In *The Salvation Army children's homes, Australia Southern Territory* case study, Mr Reece gave evidence that he was physically and sexually abused by a Salvation Army officer after he was transferred to Box Hill Boys' Home in the mid-1960s. Mr Reece said that on one occasion the officer took him into the gymnasium at Box Hill, pulled out his penis and told Mr Reece to suck it. Mr Reece said that when he refused he was threatened and then physically beaten on a daily basis. Mr Reece also gave evidence that another staff member at Box Hill would select boys to take to drive-in movies, and that he sexually abused Mr Reece there.<sup>264</sup>

In the same case study, Mr Ross Rogers, who was placed at Box Hill Boys' Home at the age of 11, gave evidence that he was sexually abused by 'Sergeant' Willem Willemson on a number of occasions, including in a truck transporting boys from Box Hill to local high schools, in the infirmary and in the vegetable and wood sheds.<sup>265</sup>

In *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)*, Mr Paul Gray, whose family attended the Anglican Church at Cessnock, New South Wales, in the mid-1960s, where Father Peter Rushton was a priest, gave evidence that Father Rushton took him to St Alban's Home for Boys on a number of occasions and left him there.<sup>266</sup> He said that while he was there, he was locked in a room and raped by other men. Mr Gray said, 'The men led me into what they called "the fucking room". The men took turns at raping me. I do not recall who these men were'.<sup>267</sup> Mr Gray said that he continued to be taken to St Alban's on other occasions, and that Father Rushton would either take him or telephone someone from St Alban's to pick Mr Gray up. He said: 'Different men would visit me in the room and either rape me or make me perform oral sex on them. Sometimes two or three men would visit me at the same time on the same day'.<sup>268</sup>

Survivors also told us about child sexual abuse that occurred in the presbyteries of Catholic priests who had close contact with residential institutions. The orphanage in the *St Joseph's Orphanage, Neerkol* case study was operated by the Sisters of Mercy in the Catholic Diocese of Rockhampton, Queensland, between 1940 and 1975. Although the Bishop of Rockhampton and the parish priest did not have any formal responsibility for the children living in the orphanage, there was a considerable degree of contact between the parish priest and the children.<sup>269</sup> Former residents of the orphanage gave evidence that they were sexually abused by the parish priest, Father John Anderson, and by his replacement, Father Reginald Durham.<sup>270</sup>

Survivor AYE gave evidence that he was emotionally, physically and sexually abused at the orphanage, where he had been placed as a baby in the late 1930s. AYE told us:

When I was about nine or 10 years of age, I was chosen to become an altar boy. Part of becoming an altar boy involved attending Latin lessons given by Father John Anderson. Father Anderson was the resident priest at the presbytery on the Neerkol grounds. After attending my first few Latin lessons, Father Anderson began to sexually abuse me.<sup>271</sup>

Another survivor, AYK, gave evidence that she was sexually abused by Father Durham on numerous occasions in the late 1960s, when she was aged seven or eight.<sup>272</sup> AYK said that the abuse would occur when the religious sisters told her to take morning tea to Father Durham in the presbytery:

Sometimes I was made to sit on Father Durham's lap while he would read stories to me. He would make me fondle his erection while doing this. Other times, he would make me lie with him on the bed in the presbytery and fondle his penis until he got an erection. He would tell me I was a good girl, that there was a place for me in heaven ... He also said this was 'our little secret' which, if I revealed to anyone, I would be punished by the devil.<sup>273</sup>

AYO gave evidence that the religious sisters would send children to take Father Durham his tea, but that 'after some time, no one wanted to take him tea. This is because Durham started sexually abusing me and I suspect he was also sexually abusing the other girls'.<sup>274</sup> AYO recalled that when one girl refused to take Father Durham's tea, the religious sister said to the girl, "No, you will go in there." The girl said, "No, he touches me". The sister then hit the girl and said, "Take it to him now!"<sup>275</sup>

One survivor told us about being sexually abused by a member of the Anglican clergy in a rectory connected to a residential institution. In the *North Coast Children's Home* case study, Mr Tommy Campion, who lived at the home from 1949 to 1962, gave evidence that from 'time to time' he was invited to the rectory for crumpets and honey. He told us that during these visits he was taken into a separate room and sexually abused by Reverend Campbell Brown.<sup>276</sup>

## Child sexual abuse in places associated with residential institutions

Some children living in residential institutions managed by religious organisations experienced sexual abuse in other associated places. We heard about occasions where children were accessed by perpetrators from outside the institution with the consent of staff, and taken to other locations where they were sexually abused. In other cases, we heard that children were sexually abused when they were sent to stay with families or adults for weekends or holidays.

In the *Anglican Diocese of Newcastle* case study, CKG, a former state ward, gave evidence that he was transferred to St Alban's Home for Boys, New South Wales, in the late 1960s. CKG told us that he was taken on numerous occasions to the homes of men and priests, where he was sexually abused. He told us that often he was restrained and on one occasion he was taken to a home in Nulkaba where three men tried to fondle him.<sup>277</sup>

In *Case Study 5: Response of The Salvation Army to child sexual abuse at its boys' homes in New South Wales and Queensland (The Salvation Army boys' homes, Australia Eastern Territory)*, FV gave evidence that the Captain of the Bexley Boys' Home in Sydney arranged for him and other boys to visit people outside the home during the mid-1970s. He recalled being sexually abused



on three occasions when he went away for these weekend or day trips. When he returned from the first occasion and told the Captain that the couple had sexually abused him, he said the Captain replied, 'These were good people I sent you out to', before caning him and sending him to bed.<sup>278</sup>

Some survivors told us they were sexually abused when billeted out to foster families during the holidays. In the *Anglican Diocese of Newcastle* case study, CKG gave evidence that in about 1970, when he was around 13 years old, he was fostered out during the holidays to a couple who drugged and raped him.<sup>279</sup>

Ms Mary Adams gave evidence in the *St Joseph's Orphanage, Neerkol* case study that during the late 1950s or early 1960s, she was billeted out over three consecutive years to a lady in Mackay during the holidays. Ms Adams said that when she accompanied the woman to the church to help prepare the church hall for weddings, the priest 'would at times take me to a secluded place, mainly in the hall, and he would sit me on his lap and take advantage of me sexually'. Ms Adams said that she 'told the staff at the orphanage that I did not want to go back to stay with that lady, but I was made to'.<sup>280</sup>

Other survivors told us about being sexually abused by people outside a residential institution while they were undertaking activities at associated places, or when they were sent away to work.

In the *North Coast Children's Home* case study, CK, who lived at the home in Lismore, New South Wales in the 1950s, gave evidence that he went to Sunday school and often to church twice on Sundays.<sup>281</sup> CK said that a priest from the local Anglican Church would take him up to the belltower after church service and fondle and masturbate him.<sup>282</sup> CB gave evidence that, while he lived at the home in the late 1970s, he attended an Anglican camp where a priest from St Andrew's Church Lismore led him into a deserted kitchen, took off CB's pants, had CB perform oral sex on him and then raped him on a kitchen bench.<sup>283</sup>

In the *Christian Brothers* case study, VG gave evidence that at the age of 16 he was sent to work for a local farmer who sexually abused him. It was only when VG pointed a shotgun at the farmer that the abuse stopped. Shortly after this incident the farmer no longer required him to work on the farm and he was sent back to the children's home in Tardun, where he said he was 'belted' by one of the religious brothers.<sup>284</sup>

## Experiences of other forms of abuse in residential institutions

As noted in Section 8.3.2, almost three-quarters of survivors who told us in private sessions about child sexual abuse in residential institutions managed by religious organisations before 1990, also told us about experiencing other forms of abuse. Many survivors told us about growing up in residential institutions, and the story was overwhelmingly one of physical brutality, lack of love and compassion, emotional threats and abuse, extreme neglect and child labour and exploitation.

In the *Christian Brothers* case study, we heard common experiences from survivors across the four residential institutions about the emotional, physical and sexual abuse they experienced and the ways in which this was perpetrated by the religious brothers.<sup>285</sup> In The Salvation Army case studies, we heard evidence that children in those Salvation Army residential institutions were often subject to poor living conditions and punitive, authoritarian regimes, and that sexual abuse was, more often than not, accompanied by extreme physical and emotional abuse.<sup>286</sup> In the *North Coast Children's Home* case study, we found that the physical, psychological and sexual abuse suffered by the former residents of the Anglican Church-associated home who gave evidence had profound, long-lasting impacts on their lives.<sup>287</sup>

Similar experiences were reflected in other case studies, and in commissioned research which indicated that victims of child sexual abuse in an institutional environment also frequently experienced physical abuse, emotional abuse and neglect.<sup>288</sup>

These case studies also highlighted the way in which the sexual, physical and emotional abuse that children experienced contributed to a culture in the institutions in which children did not disclose sexual abuse because they felt powerless to report the abuse or maltreatment and feared being punished or threatened with physical violence. Barriers to disclosure for survivors of child sexual abuse in religious institutions are discussed further in Chapter 11.

## Physical abuse

Residential institutions managed by religious organisations often housed many children at a time, and we frequently heard that children lived in a climate of fear and violence. Survivors of child sexual abuse told us that they experienced physical abuse in the context of severe corporal punishment. These assaults often went far beyond what was considered acceptable for disciplinary purposes at the time.<sup>289</sup> Survivors also told us they experienced high levels of physical abuse by other children, often in the context of a violent institutional culture.

In a number of case studies examining residential institutions managed by religious organisations, survivors told us that children were treated with cruelty, and were physically punished for the most trivial reasons.<sup>290</sup> Public floggings and 'punishment parades' with canes and straps were frequently mentioned by survivors when recalling their experiences.<sup>291</sup> Survivors told us about being beaten with drill sticks, stockwhips, machine belts, cat-o'-nine-tails and various other instruments.<sup>292</sup> We also heard about children being kicked, punched, shaken, slapped, thrown against walls and stomped on.<sup>293</sup>

In *The Salvation Army boys' homes, Australia Eastern Territory* case study, we heard from former residents who lived in four Salvation Army boys' homes in New South Wales and Queensland from the late 1950s until the early 1970s: Gill Memorial Home in Goulburn, New South Wales; Bexley Boys' Home in Bexley, New South Wales; Riverview Training Farm (Endeavour Training Farm) in Riverview, Queensland; and Alkira Salvation Army Home for Boys (Indooroopilly Boys' Home) in Indooroopilly, Queensland.<sup>294</sup> These survivors told us that sexual abuse by Salvation Army officers was at times accompanied by extreme physical punishment.<sup>295</sup> The physical punishment caused boys to fear the officers and was used to coerce them into being sexually

abused or into covering it up.<sup>296</sup> One survivor told us of being kicked unconscious when he refused to have sex with an officer. He said he awoke to find the officer raping him. Another said he was threatened if he did not give an officer oral sex.<sup>297</sup>

We found that there was a culture in each of the four homes of frequent physical punishment, which was on occasion brutal, and which encouraged fear of the officers.<sup>298</sup> We found that sexual abuse of the boys by officers or employees of The Salvation Army was often accompanied by physical abuse or the threat of physical violence, and that many boys did not report sexual abuse because they were scared of being punished or did not think that they would be believed.<sup>299</sup>

Mr John Hennessey gave evidence during the *Christian Brothers* case study that he ‘lived in constant terror’ at Bindoon Farm School, where he was placed in the late 1940s. He told us the religious brothers used canes and had a ‘specially made’ strap embedded with metal to thrash the children:

I witnessed boys wet themselves in fear. I was publicly flogged many times. Punishments were carried out not only by Brother Keaney but by other brothers. If they could not get us during the day, brothers would get you at night – there was no escape – when you were in bed. Violence at Bindoon was a way of life ... Love was a very dirty word. You had to fend for yourself.<sup>300</sup>

In the *St Joseph’s Orphanage, Neerkol* case study, we found that the punishment administered by some religious sisters and employees at the Catholic orphanage was cruel and excessive and did not accord with regulations in place at the time.<sup>301</sup> Mr David Owen gave evidence that a ‘theme’ of the institution at Neerkol was, ‘punishment to get control. And that’s the way they had control, and they put the fear into you with the stick, the whips, the bamboo canes’.<sup>302</sup>

In the *North Coast Children’s Home* case study, Mr Tommy Campion gave evidence that when he lived at the Anglican Church-associated home during the 1950s, ‘The beatings often occurred in view of other children and staff ... we were never allowed to help them. We would be beaten in some way if we did help’.<sup>303</sup>

We heard about similar experiences in private sessions. ‘Mick’ told us he was sent away at the age of 12 to an institution run by the De La Salle Brothers in the 1960s.<sup>304</sup> ‘Mick’ said:

the first week I was there I think I was bashed if not every day, every second day because I wouldn’t kneel down and give ‘Brother Patrick’ a head job. And the bashings were there for me to shut up and not talk to anyone about it.<sup>305</sup>

‘Mick’ told us that the abuse by ‘Brother Patrick’ continued over the next three years, not just with ‘Mick’ but with other boys as well. He said that few of the boys dared to report the abuse: ‘I know during my time someone did try to speak out. Before two weeks were up he was in hospital. And that was just ‘Brother Patrick’ letting us know what can happen, what does happen’.<sup>306</sup>

As noted above in Section 8.3.1, some Aboriginal and Torres Strait Islander survivors told us about being punished for speaking their language and practising their culture. 'Boyd Charles' was removed from his family in the early 1950s. He told us in his private session that he was placed at a Catholic mission in Western Australia at age seven, and that by the time he was nine he was on to his fifth placement – at an Aboriginal mission run by the Protestant Church. 'Boyd Charles' told us he fought to keep his own beliefs and traditions, and that when the kids were baptised he would not join in: 'I take my hiding. I don't believe in Jesus ... I don't even know him. He don't come from my tribe'. He said, 'Blackfellas lived here for 60,000 years without Jesus. All of sudden they're ramming Catholic and everything down our throats, and Jesus and the Bible down our throat. But they're flogging hell out of us'.<sup>307</sup>

We heard from other survivors in private sessions who were brought to Australia as child migrants and who told similar stories of physical violence and indiscriminate punishments. Some also said they were punished for not speaking English.<sup>308</sup> One survivor, 'Luca', who was sent from Malta to Australia in the 1950s and was taken to a boys' home in Western Australia run by the Christian Brothers, told us in a private session that, 'We felt that they hated the Maltese boys because they couldn't speak English. And if we got caught speaking amongst ourselves we had a flogging'.<sup>309</sup>

### **Emotional abuse**

Many survivors of child sexual abuse told us that they also experienced emotional and psychological abuse in residential institutions managed by religious organisations. We were told about staff calling children abusive names, such as 'scum of the earth',<sup>310</sup> 'slut'<sup>311</sup> or 'filthy pig',<sup>312</sup> and telling them that that no one cared for them or wanted them.<sup>313</sup> Research indicated that degrading treatment not only gave perpetrators or institutional leaders greater power over children, but tended to make children see themselves as powerless and thus more likely to succumb to abuse meted out to them.<sup>314</sup>

In the *St Joseph's Orphanage, Neerkol* case study, AYO gave evidence that the religious sisters would tell the children that no one outside the orphanage cared for them:

The Sisters would make constant comments to me and the other Neerkol residents such as 'Your parents didn't want you, that's why you are here'. I remember that they would let our families come to Neerkol once a year for our fete and then when our families left, the Sisters would say things similar to, 'This will be the last time you will see them for a while'. It would make me feel rejected, humiliated and sad.<sup>315</sup>

Survivors told us that there was little love or compassion shown to the children when they were removed from their parents and placed in residential institutions.

'Stan Peter', an Aboriginal man from Western Australia, told us in a private session that he was crying after being removed from his family and placed in a mission run by Benedictine monks when he was five years old in the late 1940s. He told us:

this guy came over and said, 'You better stop that, otherwise we'll use the strap on you' ... I was probably still sobbing. I was about five I suppose. So he slapped me in the face and knocked me down on the ground, and he said, 'If you don't get up from there, I'm belting you', and he said, 'Forget about those useless people that you live with, your mum and dad. Just forget about them'. And that stuck in my mind over the years of living in that hellhole, as I call it.<sup>316</sup>

We heard that in some residential institutions, emotional abuse was used as a form of control. Many survivors told us they were referred to by a number and not their actual names. We heard evidence from CKG during the *Anglican Diocese of Newcastle* case study that at St Alban's Home for Boys staff referred to him as 'Number nine', which made him feel dehumanised.<sup>317</sup> Previous inquiries have found that children were depersonalised through these methods of 'crushing of individual identity and changing of names'.<sup>318</sup>

In the *St Joseph's Orphanage, Neerkol* case study, Ms Adams gave evidence that if the religious sisters saw any friendships forming between the children they would force them to box each other. Some children were as young as nine. Ms Adams told us that she witnessed a lot of these fights:

They [the Sisters] had this 'divided we fall' mentality. We were not allowed to really endear ourselves to a particular person. So if we were seen sitting too long with somebody, or befriending somebody too closely or whatever, this one particular nun that was in charge of us for a period of time had set up a boxing ring and that was done on a Saturday. So she would choose particular girls, for you to get in, put gloves on and get in and fight them.<sup>319</sup>

Other survivors told us that physical discipline was accompanied by psychological abuse. In *The Salvation Army boys' homes, Australia Eastern Territory* case study, we heard that harsh physical punishment often went hand in hand with psychological abuse in the four homes we examined. This included children having to sweep the playground with a toothbrush, peel half a sack of potatoes and, in one case, a boy was forced to eat his own vomit. Others were told that their parents did not love them. At times, boys were punished without a clear reason.<sup>320</sup>

We heard from survivors about humiliating punishments that children received for wetting the bed.<sup>321</sup> In the *St Joseph's Orphanage, Neerkol* case study, Ms Adams gave evidence that, as a child, she regularly wet the bed and was punished for it each time. Ms Adams told us that the religious sisters or staff would make children who wet the bed carry their wet sheets to the dining room and stand with them draped over their heads, and that after the meal she was made to stand with her arms out to receive the cane.<sup>322</sup>

'Cody' told us in a private session that as a young boy during the 1960s he was placed in a Protestant-run orphanage in Victoria. When he wet the bed he was made to hang the sheets out the window, where they would be seen by older boys. At night the older boys would line

up 'Cody' and other bedwetters and beat them with wooden sticks on their bare buttocks. These assaults took place outside the dormitory supervisor's room, but she didn't intervene. 'I never saw her', Cody said.<sup>323</sup>

## Neglect

Survivors of child sexual abuse in residential institutions managed by religious organisations also told us about their experiences of neglect in these institutions. Similar experiences have been considered by previous inquiries. The *Forgotten Australians* report stated that many residential institutions deprived children of the basic necessities of life such as healthy food and diet, proper clothing, medical care and education.<sup>324</sup>

In the *Christian Brothers* case study, we found that in taking children into care, the Christian Brothers were obligated to provide for them and educate them. However, this was not done properly in all cases. Many children did not have any real education and instead were put to physical labour.<sup>325</sup>

Survivors told us that the physical conditions in many residential institutions were harsh. Children were often hungry and inadequately clothed.<sup>326</sup> In the North Coast Children's Home case study, former residents of the Anglican Church-associated home in Lismore, New South Wales told us it was poorly funded in the 1950s and 1960s, food and clothing were limited, and the physical conditions were unsanitary. Survivor, CN, gave evidence that when he first arrived at the home in 1959: 'It smelt terrible, like faeces, and there was vomit on the ground. I could see about 20-odd children, all dirty. It was horrific'.<sup>327</sup> Another survivor, CK, gave evidence that conditions were extremely harsh at the home in the 1950s.<sup>328</sup> CK told us:

We had nothing. Okay, times were hard. It was after the war. We had no shoes. We had no clothes. And if not that, the food was atrocious. I remember one time I must have sat at a table for 10 hours as punishment because I wouldn't eat the food they had given me, because if you threw up, they would make you eat the vomit, and I wasn't going to do that, so I didn't eat.<sup>329</sup>

In the *St Joseph's Orphanage, Neerkol* case study, Mr Thomas Murnane, who was placed in the orphanage in the 1950s, gave evidence that:

We did not wear shoes and lived in worn thin clothing. I remember my feet were regularly sore, cracked from the cold in winter. We also had to walk approximately half a kilometre to mass every morning at 6am when the temperature would be less than 10 degrees.<sup>330</sup>

In *The Salvation Army boys' homes, Australia Eastern Territory* case study, Mr Mark Stiles gave evidence that he was placed in the Gill Memorial Home in New South Wales at the age of 12 in 1971. Mr Stiles said the boys at the home were constantly hungry, and the home was very cold in winter. He said that despite the cold, Salvation Army officers turned off the hot water heaters because they were apparently too expensive to run.<sup>331</sup>

We heard in the *Christian Brothers* case study that children at Bindoon Farm School in Western Australia were given food infested with maggots and weevils and were sometimes so hungry they scavenged through the pig bins for scraps of food.<sup>332</sup> In the *St Joseph's Orphanage, Neerkol* case study, we heard that there was insufficient food at the orphanage.<sup>333</sup>

We heard similar experiences from survivors in private sessions who told us about being hungry, cold and frightened. 'We called it the starvation army', 'Chris James' told us during his private session, speaking about the time he spent at a Salvation Army-run home for boys in Melbourne in the early 1960s. 'Chris James' said that the food would arrive in the kitchens already mildewed and off, and boys were hungry much of the time.<sup>334</sup> 'Patrick Luke', who was in a Salvation Army home in New South Wales in the early 1950s with his two younger brothers, told us that the food was 'only fit for pig food'. He told us his younger brother 'Lester' was diagnosed with severe malnutrition when he went to his parents' home for Christmas.<sup>335</sup>

## Child labour

Child labour in residential institutions included cleaning, cooking and maintenance, labour as punishment, building work for the institution, farm work and commercial work.<sup>336</sup> We heard accounts from survivors which reflected the history of exploitation of child labour that has been outlined in previous inquiries focusing on Aboriginal and Torres Strait Islander children, child migrants and other children in residential institutions.<sup>337</sup>

As noted above, in the *Christian Brothers* case study, we found that many of the children in the residential institutions did not have any real education and instead were put to physical labour.<sup>338</sup> We heard that at St Mary's Agricultural School Tardun, the boys had to do most of the work to maintain the farm, which included moving heavy superphosphate and wheat bags, clearing land, cutting down trees, burning off, constructing fencing, milking cows, shearing sheep and baling wool. They also had to help other farmers around the area.<sup>339</sup> Survivor, VV, recalled that his education virtually ceased on arrival at Bindoon Farm School, and that from the age of 11 he received no formal education. He recalled being removed frequently from class in his first year to collect rocks to build the main building on the farm.<sup>340</sup>

The *Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions* (Forde inquiry) noted, 'One of the consequences of low levels of funding and staffing was that many institutions relied on the labour of children to maintain their functioning'.<sup>341</sup> We heard evidence in the *St Joseph's Orphanage, Neerkol* case study from survivors who told us they missed out on schooling as a result of being made to work.<sup>342</sup> In our case study report, we referred to the Forde inquiry's finding that the orphanage was poorly staffed and heavily dependent on work undertaken by children from an early age.<sup>343</sup>

In her private session, 'Clarice Jane' told us that she and other girls at the mission where she was placed looked after the little babies. She told us they all wondered, "'Where's their mothers? I'm only 12, and I've got to look after babies?'" I said, "I don't know how to look after babies".<sup>344</sup> Some survivors told us they were sent out to work on farms, in laundries or as domestic workers, or that as children they were made to perform adult work.<sup>345</sup>



## Experiences of abuse by other children in residential institutions

As noted above in Section 8.3.3, while most of the perpetrators we heard about in residential institutions managed by religious organisations were adults, we also heard from many survivors about sexual abuse by other children. Survivors told us about being sexually abused by other children, frequently older boys, and that this was often accompanied by physical violence, threats, bullying and intimidation.

We heard that adults in authority often failed to acknowledge or do anything to prevent this abuse. This included those in authority in residential institutions and, in some cases, external authorities. For example, in *The Salvation Army boys' homes, Australia Eastern Territory* case study, we found that from at least 1973, senior officers of the Queensland Department of Children's Services were well aware of frequent sexual activity between many of the boys at Riverview Boys' Home, including occasions of rape.<sup>346</sup>

Commissioned research suggested the backdrop to child sexual abuse in such institutions included sexist attitudes, a 'boys will be boys' view of male sexuality, a culture of silence about sexual matters and a lack of staff training and understanding.<sup>347</sup> This research also suggested that staff's understanding of child sexual abuse and their treatment of children in residential institutions often influenced how children interacted with each other.<sup>348</sup> As noted above, we heard from survivors about cultures of violence in some residential institutions. In some cases, staff did not identify the difference between age-appropriate sexual activity and abuse.

In *The Salvation Army boys' homes, Australia Eastern Territory* case study, we found that many boys in the four homes were sexually abused by other boys who were residents in the homes, and that this was often accompanied by violence or threats of violence.<sup>349</sup> One survivor, EP, who entered Bexley Boys' Home in New South Wales in about 1973 when he was about seven years old, said in a victim impact statement tendered during the hearing:

The older boys [at Bexley] were constantly tampering with the younger boys. This happened all the time and it was quite open, as soon as lights went out. At first it was horrifying but after a while you have to give in because you get too many bashings and you get suffocated and abused by the boys ... eventually you have to give in and eventually it becomes part of your life.<sup>350</sup>

In the same case study, FP gave evidence that he was sexually and physically abused fortnightly by two 'much stronger' older boys at Riverview Boys' Home in Queensland in the early 1960s, when he was 14 years old. He told us that the abuse usually occurred in the saddlery on the farm:

I was fondled and anal intercourse was attempted on many occasions. I was very scared every time they approached me. I remember that whenever I told someone what they had done to me, the two boys would find me and physically beat me. I believe that I was not the only boy at Riverview who was sexually abused by [them].<sup>351</sup>

We also heard that there was poor supervision by adults of children's interactions with each other in the Salvation Army institutions. In the same case study Mr Kevin Marshall gave evidence that 'at night-time you weren't being supervised. There were a couple of people – or one person who was supposed to be looking after you, an adult ... they had two bachelor quarter rooms there, but you weren't really looked after. You were basically left to your own devices, so you were preyed upon by some of the older boys'.<sup>352</sup>

Some survivors in private sessions told us they were sexually abused by both adult staff members and by other children, or that staff members were aware of the abuse by other children.

In his private session, 'Gilbert' told us that he was sexually abused by an older boy on the first night he spent at a Salvation Army-run centre for boys in Queensland in the late 1960s. 'Gilbert' told us he remembered waking in the morning and finding his clothes and sheets covered in blood. Over the next few years, 'Gilbert' told us he was repeatedly raped, beaten and sexually assaulted by other boys and the supervising staff turned a blind eye, despite 'Gilbert's' at times obvious injuries.<sup>353</sup>

Another survivor, 'Clyde', told us in a private session that in the mid-1950s he was transferred to a Salvation Army boys' home, where he was sexually abused by a staff member. He also told us that when he was eight years old, he was raped by a 13-year-old resident in the dormitory, after which staff announced in front of all the residents that he and the other boy were having a homosexual relationship. 'Clyde' said he was then picked on relentlessly, and the story followed him to other institutions to which he was sent.<sup>354</sup>

'Euan Frank' was made a state ward as a toddler and was placed in a Salvation Army boys' home in Melbourne in the 1940s. He told us in a private session that being the only Aboriginal child at the home made him particularly vulnerable. He told us that from the age of 10 he experienced physical violence, including being 'punched around the head', 'bashed' and caned by staff. He was an 'item of interest' to both the older boys and to two Salvation Army workers who sexually abused him. He said the older boys abused him because they wanted to see whether his semen was white even though his skin was dark.<sup>355</sup>

Some female survivors told us about child sexual abuse by other children in residential institutions. In the *St Joseph's Orphanage, Neerkol* case study, AYA gave evidence that she was sexually abused in the 1970s by another female resident the entire time she lived at the orphanage.<sup>356</sup> Another former resident, AYK, gave evidence that on one occasion she and her sister heard another female resident screaming. When they arrived to see what was happening, they saw a boy who lived at the orphanage raping the girl.<sup>357</sup>

Survivor 'Regina Therese' told us in a private session that she was sent to an Aboriginal mission run by the Benedictines, in Western Australia, in the mid-1950s.<sup>358</sup> She said that two mission boys 'not much older than me' sexually abused her from when she was eight.

The first boy molested, digitally penetrated her, and attempted to rape her many times over three years. The second boy raped her when she was 11.<sup>359</sup>

Survivors also told us that sometimes children with harmful sexual behaviours were imitating behaviour they had seen by adults. In the *North Coast Children's Home* case study, CK gave evidence that when he was at the home in the 1950s, Canon John Robinson would make him lie naked on the floor of the rectory, put a substance on CK's chest in the shape of a cross and lick it off down to his genitals, describing this as a 'cleansing process'.<sup>360</sup> CK said, 'I didn't know anything about sex or anything like that. I was far too young'. He told us that, 'I did the same thing to young kids. At night, I would take them out of bed, because I wanted to cleanse them, and I did the same to them. How could they forgive me? And this went on for years'.<sup>361</sup>

Volume 10, *Children with harmful sexual behaviours*, examines the issue of harmful sexual behaviours displayed by children. Volume 11, *Historical residential institutions*, includes further discussion about survivors who were sexually abused by other children in residential institutions before 1990.

## 8.4 Child sexual abuse in places of worship and during religious and recreational activities

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The arrangement was that he used to come up to the convent once a fortnight and hear confession. So it was arranged that he would speak to me at one of these confessional sessions ... The first couple of times it was fine. Then he started inviting me around to his side of the confessional ... He would kiss me and then ... he would touch my genitals ... And I was always the last person in line for confession. I don't know how that was organised ... [and after] it graduated to be something more, he would get me to lock the door the moment I came into the room, so he had this period of time to spend with me.<sup>362</sup>

**Private session, 'Louisa Catherine'**

Many survivors told us they were sexually abused as children in places of worship or during religious activities, and some survivors told us they experienced sexual abuse while taking part in recreational activities affiliated with religious organisations, such as youth camps. This section discusses what we heard about these experiences during public hearings and in private sessions. We also examined institutional responses to this sexual abuse in a number of case studies, as discussed in Part D, 'Institutional responses to child sexual abuse in religious institutions'.

We heard about some child sexual abuse that involved the use of religious rituals, symbols or language. For some survivors, such experiences amounted to a type of 'spiritual abuse', which profoundly damaged their religious beliefs and trust in their religious organisation. We also heard about perpetrators who threatened their victims or blamed them for the abuse, often with religious overtones. Chapter 9 discusses these experiences, and the trust and respect afforded to people in religious ministry, which was often a factor in how perpetrators groomed and abused children.

### 8.4.1 Places of worship, religious activities and recreational activities

Each religious organisation has its own places of worship and religious rituals and activities, which often involve children.

We heard about children experiencing sexual abuse in places of worship and in related locations. This included abuse in various places inside churches, such as in the vestry or sacristy, on the altar, and inside the confessional, or related locations such as a priest or religious leader's residence or a ritual bathhouse. We also heard that children were sexually abused in seminaries and houses of religious formation.

Survivors also told us about experiencing child sexual abuse during religious activities such as Bible study or Sunday school. In the Catholic Church and Anglican Church, much formal religious practice is centred on the church, and many survivors told us they were abused while serving as altar boys or altar servers. Some children were abused in cars while travelling to or from religious activities, including altar boys travelling with priests to attend church services.

We also heard from some survivors about experiencing child sexual abuse by religious perpetrators in family homes. In some cases this was perpetrated by people in religious ministry such as Catholic priests who had unique access to children due to the trust and respect afforded to them, as discussed in Chapter 9. In other cases it was perpetrated by religious family members of victims, particularly those who experienced abuse in the Jehovah's Witnesses. This was considered to be within our Terms of Reference when the sexual abuse was reported to and handled by the relevant religious institution.

Other survivors told us they experienced child sexual abuse during recreational activities affiliated with religious organisations. This abuse was most commonly connected with church-run camps and youth groups such as the Church of England Boys' Society (CEBS).

## Risk factors in places of worship and during religious and recreational activities

Most of the perpetrators of child sexual abuse we heard about in places of worship or during religious activities were adult males who were people in religious ministry.

Chapter 9 discusses characteristics of child sexual abuse specific to religious institutions, particularly where perpetrators were people in religious ministry. 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 that risks may have arisen particularly in religious communities that were ‘closed’ or separate from the broader community, or were reluctant to discuss issues related to sex and sexuality.

Often, children in religious families were closely involved with the practice of religion. In some cases this may have exposed them to situations where they were at risk of abuse. For example, some children were alone with priests during religious confession. Survivors told us about experiencing sexual abuse as children in the confessional – a small, dedicated and private room at their Catholic Church.

We heard from victims and survivors, their family members and expert witnesses that the status afforded to people in religious ministry played a role in enabling the perpetration of child sexual abuse. Commissioned research also suggested that the authority of people in religious ministry and the unquestioned power granted to them by their religious community meant they were trusted implicitly. This trust ensured their access to children.<sup>363</sup>

We heard that religious families allowed children to spend time alone with people in religious ministry, or to take part in religious or recreational activities without parental supervision, because people in religious ministry were held in such high regard. These activities often took place in unregulated and unsupervised environments, leaving children vulnerable to sexual abuse by perpetrators who, in the eyes of victims and communities, held positions of moral and religious authority.

Children’s participation in such activities also meant that access to children sometimes extended beyond people in religious ministry to others involved in running or participating in the activities, such as youth group leaders or volunteers. Many of the perpetrators we heard about in the context of recreational activities affiliated with religious organisations fell into these categories.

## 8.4.2 Nature and extent of child sexual abuse in places of worship and during religious and recreational activities

He got me into the church. Nobody was there. Out the back, up the altar and around there to the side. And he started to have sex with me ... I was eight years old. The priest started to try and have sex with me and all I can remember, I was laying down and he was telling me, 'Now you be quiet, you don't want to wake up Jesus'.<sup>364</sup>

**Private session, 'Martina'**

### Extent of child sexual abuse in places of worship and during religious and recreational activities

We heard about child sexual abuse in places of worship or during religious or recreational activities less frequently than abuse in schools or out-of-home care. Of the 6,875 survivors we heard from in private sessions, 1,000 survivors (14.5 per cent) told us about child sexual abuse in places of worship or during religious activities and 66 survivors (1.0 per cent) told us about child sexual abuse during recreational activities affiliated with religious organisations.

Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions, almost one-quarter (1,000 survivors or 24.8 per cent) told us it occurred in places of worship or during religious activities. The largest proportion of this abuse related to Catholic institutions (600 survivors or 60.0 per cent), followed by Anglican institutions (120 survivors or 12.0 per cent).

The Catholic Church claims data showed that 6 per cent of claims made with respect to a Catholic Church institution alleged child sexual abuse in a church, and 9 per cent alleged child sexual abuse in a presbytery.<sup>365</sup> The Anglican Church complaints data showed that 12 per cent of complaints received by Anglican Church dioceses alleged child sexual abuse in a church, and 9 per cent alleged child sexual abuse in a rectory.<sup>366</sup>

Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions, 66 people (1.6 per cent) told us it occurred during recreational activities affiliated with religious organisations, such as church-run camps or youth groups. The largest proportion of this abuse related to Anglican institutions (43 survivors or 65.2 per cent).

Much of the child sexual abuse that we heard about in private sessions relating to places of worship, religious activities or recreational activities affiliated with religious organisations occurred in previous decades. However, as discussed in Section 7.1.3, private sessions information is likely to under-represent the number of survivors of more recent abuse.

Of the survivors who told us about child sexual abuse in places of worship or during religious activities, 875 survivors (87.5 per cent) said the abuse occurred before 1990, and 71 survivors (7.1 per cent) said the abuse occurred from 1990 onwards.<sup>367</sup>

Of those survivors who told us about child sexual abuse during recreational activities affiliated with religious organisations, most (60 survivors or 90.9 per cent) told us about abuse that occurred before 1990 and fewer than five survivors said it occurred from 1990 onwards.<sup>368</sup>

### Forms of child sexual abuse in places of worship and during religious and recreational activities

Of the 1,000 survivors who told us in private sessions about child sexual abuse in places of worship or during religious activities, 860 survivors (86.0 per cent) told us about the form of child sexual abuse. Among these survivors, the most common forms of child sexual abuse we heard about were non-penetrative contact abuse (683 survivors or 79.4 per cent), penetrative abuse (400 survivors or 46.5 per cent) and violations of privacy (122 survivors or 14.2 per cent). Around one-third (285 survivors or 33.1 per cent) told us about grooming.

Of the 66 survivors who told us in private sessions about child sexual abuse during recreational activities affiliated with religious organisations, most (59 survivors or 89.4 per cent) told us about the form of child sexual abuse. Among these survivors, the most common forms of child sexual abuse we heard about were non-penetrative contact abuse (48 survivors or 81.4 per cent) and penetrative abuse (26 survivors or 44.1 per cent). Around one-third (19 survivors or 32.2 per cent) told us about grooming.

### Other forms of abuse in places of worship and during religious and recreational activities

Of the 1,000 survivors who told us in private sessions about child sexual abuse in places of worship or during religious activities, just over one-third (354 survivors or 35.4 per cent) also told us about other forms of abuse. Among these survivors we most commonly heard about emotional abuse (307 survivors or 86.7 per cent) and physical abuse (106 survivors or 29.9 per cent).

Of the 66 survivors who told us in private sessions about child sexual abuse during recreational activities affiliated with religious organisations, one-third (22 survivors or 33.3 per cent) also told us about other forms of abuse. The vast majority of these survivors (20 survivors or 90.9 per cent) told us about emotional abuse.



## Frequency and duration of child sexual abuse in places of worship and during religious and recreational activities

Of the 1,000 survivors who told us in private sessions about child sexual abuse in places of worship or during religious activities:

- 929 survivors (92.9 per cent) provided information about the frequency of abuse. Of these, most survivors (752 survivors or 80.9 per cent) told us about multiple incidents of abuse.
- About three-quarters (758 survivors or 75.8 per cent) provided information about the duration of abuse. Of these, 396 survivors (52.2 per cent) told us about abuse lasting for one year or less, 257 survivors (33.9 per cent) told us about abuse lasting between one and five years, 95 survivors (12.5 per cent) told us about abuse lasting between five and 10 years, and 24 survivors (3.2 per cent) told us about abuse lasting for more than 10 years.<sup>369</sup>

The Catholic Church claims data showed that the average duration of child sexual abuse alleged to have occurred in churches and presbyteries was 2.4 years and 2.1 years respectively.<sup>370</sup>

The Anglican Church complaints data showed that the average duration of child sexual abuse alleged to have occurred in churches and rectories was 1.8 years and 2.1 years respectively.<sup>371</sup>

Of the 66 survivors who told us about child sexual abuse during recreational activities affiliated with religious organisations:

- 64 survivors (97.0 per cent) provided information about the frequency of abuse. Of these, 49 survivors (76.6 per cent) told us about multiple incidents of abuse.
- 49 survivors (74.2 per cent) provided information about the duration of abuse. Of these, 23 survivors (46.9 per cent) told us about abuse lasting for one year or less, and 21 survivors (42.9 per cent) told us about abuse lasting between one and five years. Five survivors told us about about abuse lasting between five and 10 years.

### 8.4.3 People we heard about in places of worship and during religious and recreational activities

#### Victims in places of worship and during religious and recreational activities

We heard that many children experienced sexual abuse in places of worship or while participating in religious activities. This included boys and girls of various ages.

Of the 1,000 survivors who told us in private sessions about child sexual abuse in places of worship or during religious activities:

- The majority (585 survivors or 58.5 per cent) were male, but a sizeable minority (412 survivors or 41.2 per cent) were female. This proportion of female survivors was higher than the proportion of female survivors who told us about child sexual abuse in residential institutions managed by religious organisations before 1990 (34.2 per cent) or in religious schools (18.7 per cent).
- Of those who provided information about the age of the victim at the time of first abuse, most (407 survivors or 47.3 per cent) told us that the victim was aged between 10 and 14 years at the time of first abuse. Around one-third (288 survivors or 33.5 per cent) told us that the victim was aged between five and nine years, 103 survivors (12.0 per cent) told us that the victim was aged between 15 and 17 years, and 63 survivors (7.3 per cent) told us that the victim was aged four years or under.
- 53 survivors (5.3 per cent) identified as Aboriginal or Torres Strait Islander.
- 40 survivors (4.0 per cent) identified as being from a culturally or linguistically diverse background.
- 17 survivors (1.7 per cent) told us they had disability at the time of the abuse.

The Catholic Church claims data and the Anglican Church complaints data provided the following detail about claims and complaints of alleged child sexual abuse in a church, presbytery or rectory:

- The Catholic Church claims data showed that 64 per cent of claimants who identified a church and 68 per cent of claimants who identified a presbytery were males, and the remainder (36 per cent of claimants who identified a church and 32 per cent of claimants who identified a presbytery) were females.<sup>372</sup>
- The Anglican Church complaints data showed that 74 per cent of claimants who identified a church and 60 per cent of claimants who identified a rectory were males, and the remainder (26 per cent of claimants who identified a church and 40 per cent of claimants who identified a rectory) were females.<sup>373</sup>
- Of those who made a claim to a Catholic Church authority alleging child sexual abuse in a church, the average age at the time of the first alleged incident was 10 years for boys and 11 years for girls; the average age at the time of the first alleged incident of sexual abuse in a presbytery was 11 years for both boys and girls.<sup>374</sup>
- Of those who made a complaint to an Anglican Church diocese alleging child sexual abuse in a church, the average age at the time of the first alleged incident was 11 years for boys and 12 years for girls; for those who alleged sexual abuse in a rectory, the average age at the time of the first alleged incident was 12 years for boys and 14 years for girls.<sup>375</sup>

We heard from some survivors about experiencing sexual abuse as children during recreational activities affiliated with religious organisations. This included boys and girls of various ages.

Of the 66 survivors who told us in private sessions about child sexual abuse during recreational activities affiliated with religious organisations:

- The majority (56 survivors or 84.9 per cent) were male, and nine survivors (13.6 per cent) were female.
- Of those who provided information about the age of the victim at the time of first abuse, most (32 survivors or 57.1 per cent) told us that the victim was aged between 10 and 14 years at the time of first abuse.
- Fewer than five survivors identified as Aboriginal or Torres Strait Islander or as being from a culturally or linguistically diverse background, or told us they had disability at the time of the abuse.<sup>376</sup>

## Perpetrators in places of worship and during religious and recreational activities

The child sexual abuse we heard about in places of worship or during religious activities was perpetrated by a range of individuals including males and females of various ages, and who held various positions. However, most of the perpetrators we heard about were adult males who were people in religious ministry.

Of the 1,000 survivors who told us in private sessions about child sexual abuse in places of worship or during religious activities:

- 641 survivors provided information about the age of the person who sexually abused them. Of these, the vast majority (607 survivors or 94.7 per cent) told us about abuse by an adult perpetrator.
- Of those who told us about abuse by adult perpetrators, the vast majority (596 survivors or 98.2 per cent) told us about abuse by a male adult and 15 survivors (2.5 per cent) told us about abuse by a female adult. Some survivors told us about abuse by both a male adult and a female adult.
- 968 survivors told us about the position held by a perpetrator. Of those, most (705 survivors or 72.8 per cent) told us about abuse by people in religious ministry; 108 survivors (11.2 per cent) told us about abuse by volunteers; 36 survivors (3.7 per cent) told us about abuse by family members; and 23 survivors (2.4 per cent) told us about abuse by teachers. Where sexual abuse was perpetrated by family members it was considered to be within our Terms of Reference if it was reported to and handled by the relevant religious institution. Survivors told us about some perpetrators who held more than one position, such as people in religious ministry who were also teachers. Survivors also told us about multiple perpetrators with different positions.

The Catholic Church claims data showed that the majority (90 per cent) of claims alleging child sexual abuse in a church related to priests, and almost all claims alleging abuse in a presbytery related to priests (98 per cent).<sup>377</sup>

The Anglican Church complaints data showed that of complaints alleging child sexual abuse in a rectory, 94 per cent involved ordained clergy as the alleged perpetrator, and 9 per cent involved lay people as the alleged perpetrator. Of complaints alleging child sexual abuse in a church, 60 per cent involved ordained clergy as the alleged perpetrator, and 32 per cent involved lay people as the alleged perpetrator.<sup>378</sup>

The perpetrators of child sexual abuse during recreational activities affiliated with religious organisations that we heard about were males of various ages, and who held various positions.

Of the 66 survivors who told us in private sessions about child sexual abuse during recreational activities affiliated with religious organisations:

- 50 survivors (75.8 per cent) provided information about the age of the person who sexually abused them. Of these, the vast majority (47 survivors or 94.0 per cent) told us about abuse by an adult perpetrator.
- All of the 47 survivors who told us about abuse by adult perpetrators told us about abuse by male adults; no survivors told us about abuse by female adults.
- 63 survivors told us about the position held by a perpetrator. Of those, 18 survivors (28.6 per cent) told us about abuse by a volunteer attending the institution, 17 survivors (27.0 per cent) told us about abuse by a youth group leader, and 14 survivors (22.2 per cent) told us about abuse by a person in religious ministry.

Chapter 7 discusses some of the common features and behaviours exhibited by the adult perpetrators we heard about in religious institutions, and Chapter 9 discusses specific characteristics of child sexual abuse that occurred in religious institutions, particularly where the perpetrators were people in religious ministry.

## Children with harmful sexual behaviours in places of worship and during religious and recreational activities

The vast majority of the child sexual abuse we heard about in private sessions in relation to places of worship, religious activities or recreational activities affiliated with religious organisations was perpetrated by adults.

Of the 1,000 survivors who told us during private sessions about child sexual abuse in places of worship or during religious activities, and who also told us about the age of the person who sexually abused them, 40 survivors (6.2 per cent) told us about abuse by another child. Of these, 90.0 per cent told us about abuse by a boy and 15.0 per cent told us about abuse by a girl.

Of the 66 survivors who told us during private sessions about child sexual abuse during recreational activities affiliated with religious organisations, and who also told us about the age of the person who sexually abused them, fewer than five survivors told us about abuse by another child.<sup>379</sup> All of them told us about abuse by a boy; none of them told us about abuse by a girl.

Volume 10, *Children with harmful sexual behaviours*, discusses issues related to children with harmful sexual behaviours.

#### 8.4.4 Experiences of child sexual abuse in places of worship and during religious and recreational activities

This section discusses what we heard in public hearings, private sessions and written accounts about survivors' experiences of child sexual abuse in places of worship, during religious activities or during recreational activities affiliated with religious organisations, including common locations of abuse and forms of abuse experienced.

##### Places of worship

Many survivors told us that religious activities centred around places of worship were an important aspect of their family's life. Survivors frequently told us that they were sexually abused while serving as altar boys in the Catholic Church or altar servers in the Anglican Church. Mr Paul Gray gave evidence in the *Anglican Diocese of Newcastle* case study that in the 1960s he served as an altar boy from the age of 12 under Father Peter Rushton in Cessnock, New South Wales. Mr Gray told us that Father Rushton was his godfather, and sexually abused him from the ages of 10 to 14. Mr Gray said that on one occasion, Father Rushton compelled him to perform oral sex on him in the vestry of the church while Father Rushton was wearing his church robes.<sup>380</sup> We also heard that Father Rushton took Mr Gray to services in the outlying churches of the parish. Mr Gray told us that following these services, Father Rushton on occasion took him back to the rectory and sexually abused him.<sup>381</sup>

Altar boys spent a great deal of time alone with the priest, particularly after mass, while assisting the priest to put away ceremonial items. Survivors told us that their parents trusted priests and did not question the amount of time their children spent alone with them. We heard that some children were sexually abused during this unsupervised time.

‘Seymour’ told us in a private session that in the early 1960s, when he was 12, he was given the opportunity to become an altar boy to the priest at a Catholic orphanage in Queensland, which was considered a great honour. ‘Seymour’ was three months old when he was placed in the orphanage, and told us that because he had little knowledge of life outside the orphanage, he did not realise that the priest was committing a crime by raping him after church services. ‘Seymour’ said:

I distinctly remember him telling me, ‘You are no longer a boy. Now that you are part of the Church you’re an altar boy now, and you have to go through this sort of business’ ... He told me it was quite normal for boys and priests to do this.<sup>382</sup>

‘Konrad’ grew up in rural Victoria in the 1970s, and his devout Catholic family attended mass in a church connected to a Christian Brothers school. ‘Konrad’ told us in a private session that he was sexually abused by the Catholic priest in the vestry at the church when he was not yet 10 years old. He said, ‘I was just doing altar service, and I got into the change room after the service ... he was touching me and then he made me touch him’. ‘Konrad’ remembers later crying before mass to avoid serving as an altar boy for the priest, and getting ‘a hiding’ from his father when they got home.<sup>383</sup>

We heard that the role of altar boy was sometimes extended to other activities. In the *Catholic Archdiocese of Melbourne* case study, BTO told us he was sexually abused by Father Wilfred Baker, beginning in 1976, when he was 12 years old. BTO gave evidence in a statement that he was an altar boy for Father Baker at Gladstone Park parish in Victoria.<sup>384</sup> He said:

Over time, but still when I was about 12, Father Baker began asking me to help him with other duties around the church, such as counting money after mass. I really enjoyed the additional responsibility. I was also able to serve as an altar boy at special occasions such as baptisms and weddings where I got paid for these duties. I began to spend more time at the church and with Father Baker.<sup>385</sup>

BTO said he was sexually abused by Father Baker on most occasions during the 10 to 20 times he went on trips with Father Baker to Maryborough, as well as on trips to other locations in Victoria.<sup>386</sup> In 1999, Father Baker was convicted and sentenced to four years’ imprisonment after pleading guilty to offences relating to child sexual abuse which occurred between 1960 and 1979. In 2013, he was charged with additional offences against multiple victims, but died before the proceedings were determined.<sup>387</sup>

Survivors also told us about child sexual abuse in places of worship perpetrated by lay people connected to the religious institution.

'Jack Eric' told us in a private session that he was sexually abused by 'Robert Sneed', an assistant at his family's local Anglican church in the early 1960s. 'Jack Eric' said that 'Robert Sneed' became close to his family and started driving the kids to church, where 'Jack Eric' was an altar boy. 'Jack Eric' told us that 'Robert Sneed' started abusing him at every opportunity. 'We would go into the vestry to put on the vestments ... and he would be touching me and he would want me to touch him.' 'Jack Eric' told us that the abuse escalated to oral sex and digital penetration. 'Jack Eric' said that 'Robert Sneed' told him he went on religious retreats and that 'these were things that were done between the men that would go to these retreats'.<sup>388</sup>

In the *Yeshiva Bondi and Yeshivah Melbourne* case study, Mr Manny Waks told us:

During my childhood the Yeshivah Centre was the centre of my universe and indeed my family's. It was where we spent the vast majority of our time for religious, educational and recreational purposes.<sup>389</sup>

Mr Waks gave evidence about being sexually abused in various locations, including at the Yeshivah Centre during the Jewish festival of Shavuot,<sup>390</sup> and in the Yeshivah ritual bathhouse (the mikveh).<sup>391</sup> Mr Waks said that in or about 1988 he suffered repeated acts of child sexual abuse by AVP, who he described as the adult son of a senior Yeshivah Melbourne rabbi, in the synagogue of Yeshivah Melbourne and in the nearby bathrooms.<sup>392</sup> Mr Waks gave evidence that:

The abuse first occurred at the Yeshivah Centre – inside the synagogue itself during the Jewish festival of Shavuot when it is customary for men to remain awake all night to undertake religious studies. I went upstairs to the women's section of the synagogue to rest for a while ... AVP followed me up there, sat on the bench beside me and started stroking me on my clothes ... He undid my belt and unzipped my trousers and felt around my penis and groin ... After a short time he stopped and said something like, 'This isn't for a place of worship, let's go outside'. He led me to the adjoining bathrooms where he continued to abuse me sexually.<sup>393</sup>

## Confessional

As discussed in Chapter 9, survivors told us about experiencing sexual abuse as children in the confessional – a small, dedicated and private room at their Catholic Church.

In the *Catholic Archdiocese of Melbourne* case study, we heard evidence that Father Peter Searson took primary school children from the Holy Family School in Doveton, Victoria, out of class to confession during the mid-1980s.<sup>394</sup> We heard that Father Searson made children sit on his knee during confession, had them kneel between his knees, and tape-recorded their confession.<sup>395</sup> We heard that a teacher at the school had reported that Father Searson said about confession, 'when it starts to hot up I'll put on a tape'.<sup>396</sup> Ms Julie Stewart gave evidence that on several occasions in 1984 and 1985, Father Searson made her sit on his knee in the confessional. She said in her statement:



The first three or four times ... Father Searson told me I had to sit on his knee ... He would ask me to kiss him on the lips ... On about the fifth time I went to reconciliation and on each subsequent occasion, Father Searson also touched me.<sup>397</sup>

Ms Stewart said that the last time she went to reconciliation with Father Searson, he 'lifted me from his knee and placed me on his lap so I could feel his erection against my backside. He pushed me hard against him. It hurt. He whispered in my ear, "You are a good girl. The Lord forgives you"'. Ms Stewart said that she ran out of the confessional to her teacher, sobbing and hyperventilating.<sup>398</sup>

Survivors also told us in private sessions about being sexually abused in the confessional. 'Martina' told us that she and her two closest friends from her Catholic primary school in Sydney in the 1950s were abused by 'Father Gregory' almost daily. She told us that all three girls were sent to the confessional box one by one, where they were sexually abused, and they all came out crying. 'Father Gregory' would then tell them: 'You girls go out and play. You don't tell nobody. I'm going to talk to God now. I'm going to talk to God and see what God wants me to do next'. 'Martina' told us that she believed that she deserved the abuse and every day she tried to be 'extra good' so he would leave her alone, but the abuse continued throughout her primary school years and only stopped when she went to high school.<sup>399</sup>

'Ann Mary' told us in a private session that she was sexually abused by a Catholic priest in the confessional at the cathedral in her hometown in regional New South Wales in the 1960s. 'Ann Mary' told us, 'A lot of stuff happened inside the confessional'. She said, 'I think the confessional should be an open thing and that children should not be allowed to go in the door and the door shut with a priest inside'.<sup>400</sup>

While the cases of child sexual abuse in confession that we heard about generally occurred in a dedicated private room, usually in a church, we heard of some cases where a priest performed confession in other locations after abusing a child. In the *St Joseph's Orphanage, Neerkol* case study, AYB gave evidence that on one occasion after Father Reginald Durham had sexually abused her in the back seat of his van, he took 'a thin purple stole with gold crosses out of his pocket, kiss[ed] it and put it around his neck and hear[d] my confession. I was always asked if I was sorry for "my" sin'.<sup>401</sup>

Chapter 9 discusses ways in which religious confession was used by perpetrators to manipulate and control their victims – both in making them feel responsible for the abuse, and preventing them from disclosing it. Chapter 11 outlines what we heard from survivors who disclosed sexual abuse in confession as children and were dismissed, blamed or punished. Some survivors told us that when they told a priest in confession that they had been sexually abused, they believe the priest then told the abuser, breaking the seal of confession. We also heard that some Catholic perpetrators disclosed their abuse during confession, preventing the priest who heard the confession from revealing that information.

Part D, 'Institutional responses to child sexual abuse in religious institutions', considers religious confession as a factor that may have contributed to the occurrence of child sexual abuse or to inadequate institutional responses, in Chapter 12, 'Anglican Church', and Chapter 13, 'Catholic Church'.

Part E, 'Creating child safe religious institutions', considers ways to improve child safety in religious institutions. Chapter 20, 'Making religious institutions child safe', discusses ways of mitigating risks associated with religious confessions. Chapter 21, 'Improving responding and reporting by religious institutions', discusses recommendations contained in our *Criminal justice* report and in Volume 7, *Improving institutional responding and reporting*, that there should be no exemption from reporting obligations where information about child sexual abuse is received through religious confession.<sup>402</sup>

## Priests' residences

Some survivors, particularly those who were sexually abused in Catholic or Anglican institutions, told us that they were abused in the home of a priest. In the Catholic Church the priest's residence is known as the presbytery. In the Anglican Church it is referred to as the rectory.

We heard evidence in case studies that Catholic perpetrators such as Fathers Gerald Ridsdale, Aidan Duggan, Victor Rubeo, Reginald Durham and John Anderson all sexually abused children in presbyteries.<sup>403</sup>

In the *Catholic Church authorities in Ballarat* case study, we heard that Ridsdale sexually abused a number of victims in the various presbyteries where he lived. One of these was BAQ, who gave evidence about being sexually abused by Ridsdale in the presbytery at St Alipius Church in Ballarat, Victoria, in the early 1970s. He gave evidence that he and his friends in Year 5 or 6 were sent to the presbytery to help Ridsdale 'run an errand'. BAQ told us:

When we got to the presbytery we were told to sit on a wooden bench in a large passageway that ran down the middle of the building. Father Ridsdale called us into the room one-by-one while the rest of us waited outside in the passageway.<sup>404</sup>

When it was BAQ's turn to enter the presbytery, Ridsdale told him to remove his trousers and bend over. BAQ told us that Ridsdale then put 'his finger in my backside' and masturbated him, and became angry when BAQ did not get an erection. BAQ left the room crying.<sup>405</sup>

In *Case Study 8: Mr John Ellis's experience of the Towards Healing process and civil litigation*, Mr John Ellis gave evidence about being sexually abused by Father Aidan Duggan. Mr Ellis told us that he was a senior altar boy when Father Duggan began to invite him to visit the presbytery located next to the church. The visits gave Father Duggan the opportunity to be alone with Mr Ellis in the sitting room and bedroom. Mr Ellis recalled that the sexual abuse was regular and frequent, occurring at the presbytery: 'I attended daily mass at that time so I saw Father Duggan on a daily basis'.<sup>406</sup>

In *Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys' Society)*, BYF gave evidence that he spent the night at the rectory of Reverend Garth Hawkins in about 1981,<sup>407</sup> and that during the stay Reverend Hawkins ran his fingers through BYF's hair, told him he was good-looking, gave him compliments and invited BYF to share his bed.<sup>408</sup> Hawkins was later convicted of another incident of sexual abuse of BYF.<sup>409</sup>

In the *Anglican Diocese of Newcastle* case study, CKA gave evidence that Father George Parker (known in the case study as CKC)<sup>410</sup> sexually abused him 'at least fortnightly', often in the rectory, between 1971 and 1975.<sup>411</sup> CKA also told us that he and his younger brother, CKB, were sexually abused by Father Parker when they stayed at the rectory one weekend when they were his altar servers at an Anglican church in Newcastle.<sup>412</sup> CKA said:

In 1975 [Father Parker] was transferred to another parish in the Diocese. I felt relieved because I thought he was finally out of my life. [Father Parker] had only been there for about a week when he called my mum. She told us to pack our bags because [Father Parker] was coming to collect my younger brother [CKB] and I. I was shattered as I thought the abuse was over ... That weekend was the last time [Father Parker] abused me. I have since learnt that [Father Parker] also abused [CKB] during that weekend.<sup>413</sup>

Father Parker was under investigation by NSW Police at the time of the hearing. He was subsequently charged in December 2016 with child sex offences, including offences relating to CKA, but died in January 2017.<sup>414</sup>

In the same case study, Mr Paul Gray told us that he was first sexually abused at the age of 10 by Father Peter Rushton, a priest at the Anglican Church in Cessnock, New South Wales, in the mid-1960s. Mr Gray gave evidence that from this time on, Father Rushton sexually abused him weekly or fortnightly. Mr Gray said that, as he was an altar server, Father Rushton took him to services in the outlying churches of the parish, following which Father Rushton sometimes took Mr Gray back to his house and sexually abused him.<sup>415</sup>

## Seminaries and houses of religious formation

Some survivors told us they experienced sexual abuse as teenagers in seminaries or houses of formation. Up to the mid-1960s, both seminaries and houses of formation admitted children to their programs.<sup>416</sup>

In the *Marist Brothers* case study, we heard about child sexual abuse occurring during formation with the Marist Brothers. The stages of formation have changed over the decades, but generally, during the 1960s to the 1990s, formation commenced with a period at a juniorate. At the juniorate stage, boys completed their secondary education in a boarding school environment, living with other boys and religious brothers.<sup>417</sup> We heard that perpetrator Brother Kostka Chute entered

the juniorate of the Marist Brothers at Mittagong in New South Wales at the age of 11 because he was influenced by a religious brother from the Marist Brothers school he attended. He told a psychologist that he was sexually abused by a religious brother when he was aged 11 and a half.<sup>418</sup>

We also heard evidence under oath in a private hearing from convicted perpetrator Stephen Farrell, a former Christian Brother, who offended in the mid-1970s as a teacher in Ballarat, Victoria. The transcript of his evidence was later tendered in the *Catholic Church authorities in Ballarat* case study. Stephen Farrell described having been ‘institutionalised’ by the years he spent with the Christian Brothers, from when he entered the juvenate when he was in Year 11.<sup>419</sup> He said he generally disliked the culture and restricted life and at one point suffered a nervous breakdown due to loneliness and what he described as humiliating treatment by certain Christian Brothers. He said that as a minor during his formation, he was sexually interfered with by other trainees.<sup>420</sup>

In the *Anglican Diocese of Newcastle* case study, evidence established that six male students who were at Morpeth College in Newcastle, New South Wales, between 1963 and 1998 were later convicted of child sexual abuse offences. A further 10 former students have been accused of perpetrating child sexual abuse.<sup>421</sup>

In the same case study, CKU gave evidence that he was sexually abused by Ian Barrack between August and December 1998. Barrack was married and studying to become a priest at Morpeth College. CKU was the 12-year-old son of CKR, who was also studying at Morpeth College to become a priest.<sup>422</sup> CKU said that Barrack became increasingly friendly and he would often spend time at Barrack’s house, including overnight on Friday nights. CKU’s mother CKR gave evidence that at first she was not concerned about this, as it was a Christian community, and she assumed that Barrack’s wife was in the house.<sup>423</sup> CKU told us that in June 1998, when he had just turned 14, Barrack first abused him by performing oral sex on him, and that the sexual abuse continued until December 1998, when CKU stopped contact with Barrack.<sup>424</sup> Barrack was convicted in 2006 of one count of sexual intercourse with a child aged between 10 and 16 years and was sentenced to two years’ imprisonment.<sup>425</sup>

One survivor told us during a private session that he was sexually abused while he was a novice in a Catholic male religious order. ‘Simon James’ told us that when he was aged 17, the leader of the order, ‘Brother Leon Delaney’, convinced him to join. The novices lived together in the same house as ‘Brother Delaney’. ‘Simon James’ said that ‘Brother Delaney’ would come to his bedroom, rub his stomach and then fondle his genitals:

Now, I can say he’s taking advantage of me. Then, I don’t think I understood what the hell was going on. Before taking vows we’d had sessions on sexuality and so on, but it was the mechanics. It had nothing to do with relating to people, or relationships of any kind, to really understand what was going on. And here’s this guy who’s ... revered and he’s doing things and you feel well, it has to be okay. So that sort of thing went on for years.<sup>426</sup>

'Gianni' told us in a private session that he came from a very traditional Catholic Italian family and decided at the age of 15 that he wanted to become a priest. In the 1960s, as a young novice, 'Gianni' lived in the monastery and slept in the dormitory there while continuing his schooling during the day at a nearby college. 'Gianni' told us that one night, 'Father Stephen', the priest in charge of the novices, called 'Gianni' to his room and 'asked me to pull my pants down ... he went to grab my private parts and I pulled back ... he said he was going to give me a talk on the facts of life'. 'Gianni' told us that he believes the abuse did not escalate because his parents were both involved in the monastery, whereas many of the other novices were orphans. He told us he did not disclose the abuse by 'Father Stephen' and incidents of this nature were not discussed among the novices. 'Gianni' said that he gave up his dream of being a priest.<sup>427</sup>

We also considered documents relating to the Society of St Gerard Majella (the Society). In April 1993, a number of religious brothers in the Society wrote to Father Rodger Austin, a canon lawyer, alleging that they had been sexually abused by Brothers John Sweeney (the founder of the Society and Superior General until 1991), Stephen Robinson (Superior General from 1991 to 1993) or Joseph Pritchard (Superior of the Society's novitiate at Mount Vernon from 1983 to 1993).<sup>428</sup>

A Special Enquiry established by then Bishop of Parramatta, Bishop Bede Vincent Heather, to investigate the allegations concluded that they were substantiated.<sup>429</sup> The allegations related to multiple incidents and multiple victims, and the incidents of abuse spanned from the late 1960s to the early 1990s. All of those who had been abused had at some point been members of the Society, and for the majority the abuse started when they were postulants or novices in the Society (meaning they were in their training or 'formation' period prior to joining the Society as full members). It is apparent from the report of the Special Enquiry and its appendices that some of the victims alleged that they were under 18 years old at the time the abuse started.<sup>430</sup> The Special Enquiry report explicitly stated that Brother Sweeney had 'perform[ed] acts' with 17–26 year olds.<sup>431</sup>

Brother Robinson and Brother Pritchard were ultimately convicted of sexual offences against children who were novices or postulants in the Society.<sup>432</sup> Brother Pritchard was also convicted of indecently assaulting three other postulants or novices who were over 18 at the time of the abuse.<sup>433</sup> Judge Taylor in his sentencing of Brother Pritchard in 1997, noted:

The victims were young men who were striving to prove their suitability for religious life. They accepted modification of their behaviour through guidance from their superiors ... Each of the victims held a strong belief in their faith and a loyalty to their Church. The prisoner held great authority over the young men and he exploited them for his own sexual gratification.<sup>434</sup>

A summary of the events relating to child sexual abuse occurring in the Society of St Gerard Majella is included in Appendix D, 'The Society of St Gerard Majella'.

## Religious activities

Survivors told us about experiencing child sexual abuse during religious activities such as Bible study or Sunday school or while serving as altar boys, as discussed earlier. We heard that devout families and religious communities held people in religious ministry in such high regard that they often allowed their children to take part in such activities without parental supervision.

We heard about children being sexually abused while travelling to church services with Catholic or Anglican priests, or when priests drove children home after altar boy or altar server practice.<sup>435</sup> In the *St Joseph's Orphanage, Neerkol* case study, we heard that two Neerkol parish priests, Father John Anderson and Father Reginald Durham, abused altar boys when travelling to outlying parishes to perform mass. AYE gave evidence that he was sexually abused by both priests during these trips.<sup>436</sup> He said:

As I had done with Father Anderson, I accompanied Father Durham when he travelled to outlying areas to give mass. On the first trip to Kabra, Father Durham sexually abused me and said to me that Father Anderson had told him I was his boy and a good boy.<sup>437</sup>

'Kelson' told us during a private session that at the age of eight in the 1960s he wanted to become an altar boy and took his Anglican Church duties very seriously. He told us that the Anglican clergy who served in country areas in western New South Wales would travel a great deal, driving from town to town and to far-flung stations. 'Kelson' said the priests were highly regarded by the locals in these towns and the locals thought it was an honour to be involved with them. 'Kelson' was picked to travel with the priests to these remote communities to help with services. One of the priests who picked him was 'Father Ian Pickett'. 'Kelson' told us that on these trips 'Father Pickett' would sit him on his knee as they drove, under the pretext of teaching him to drive, and fondle his genitals. 'This is how it all started. Every time we went out anywhere this is what he'd do', 'Kelson' said.<sup>438</sup>

Other survivors told us about being sexually abused in a range of locations while they were participating in religious activities or activities organised by religious organisations. Often they were under the supervision of people in religious ministry.

In the *Australian Christian Churches* case study, AHA gave evidence that he was sexually abused by Pastor Frank Houston, from his Assemblies of God church. AHA said that the abuse occurred at different locations, including at an evangelical camp at Windsor, New South Wales. He said:

Pastor Frank would creep into my room late at night nearly every night of the week ... I remember that when he was touching me inappropriately I would be petrified and would lay very still. I could not speak while this was happening and felt like I couldn't breathe.<sup>439</sup>

'Harriet' told us in a private session that when her parents divorced, her mother became 'really enmeshed' in the life of The Salvation Army and directed her children to participate in activities such as Bible study and tambourine practice. 'Harriet' told us she was 13 and training to be a 'junior soldier' when she met 'Envoy Neil Webber', who was in his 30s. For six to nine months in the mid-1970s, 'Envoy Webber' drove 'Harriet' home every week from cadet training. She told us that on each trip he would take her to a bush area near her home in Canberra and sexually abuse her.<sup>440</sup>

'Margaret Anne' told us in a private session that she and her siblings attended a Salvation Army church in South Australia in the 1960s. 'Envoy Menzies' taught Sunday school and gave 'Margaret Anne' music lessons on Saturday mornings. 'Margaret Anne' said he always had coins and lollies in his pockets to give to children, and tried to kiss her on the lips when he greeted her. 'Margaret Anne' told us that one afternoon when she was 12 years old, she was alone with 'Envoy Menzies' in the church building. She said that he suddenly picked her up, took her into the Sunday school room, pinned her down on a table and pulled her dress up. 'I remember that I was in complete shock and frozen so I did not struggle as he had me fairly well pinned down. He then kissed me on the top of my vagina ... and said, "Oh, you are growing up".' 'Margaret Anne' said that after 'Envoy Menzies' allowed her to stand up, 'he produced a new, shiny 20 cent coin and gave it to me and said not to tell ... I was just burning up with humiliation, shame'.<sup>441</sup>

We heard from a number of survivors about experiencing sexual abuse during or in connection with Bible study meetings with the Jehovah's Witnesses. 'Kevin Craig' told us in a private session that from the age of 14 to 20, he was sexually abused by 'Peter Saxby', including on Bible study trips. 'Kevin Craig' told us that 'Peter Saxby' was a district overseer in a Jehovah's Witnesses Church in Queensland that his family attended in the 1970s. During the Bible study trips, 'Kevin Craig' said he and 'Peter Saxby' showered together and slept in the same bed. He told us that 'Peter Saxby' kissed him and played with his penis and on one occasion attempted to rape him. The more time 'Kevin Craig' spent with 'Peter Saxby', the less he could confide in his parents and it was just expected he would go with 'Peter Saxby' whenever he wanted.<sup>442</sup>

'Mariana' told us in a private session that she was sexually abused by her grandfather, who was a longstanding member of the Jehovah's Witnesses, when she attended Bible study at his home in the 1970s in Sydney.<sup>443</sup> 'Leonora' told us during a private session that 'Jim Carter', a well-respected member of her Jehovah's Witnesses congregation, sexually abused her in the car when he drove her home from Bible study. 'Leonora' said he would 'put his hand on my thigh' and, with his wife, demonstrated 'the correct way' for married people to kiss.<sup>444</sup>



## Recreational activities affiliated with religious organisations

Some survivors told us they experienced child sexual abuse during recreational activities affiliated with religious organisations. This abuse was most commonly connected with church-run camps and youth groups. Overnight trips and camps were common activities associated with some religious institutions. They were often conducted without parental supervision, giving perpetrators easier access to children.

AVB gave evidence in the *Yeshiva Bondi and Yeshivah Melbourne* case study that in the summer holidays from 1987 to 1988, when he was 14 years of age, he attended the Camp Gan Israel youth camp held at Stanwell Tops in New South Wales, which was operated by Yeshiva Bondi. Daniel Hayman attended the camp as a chaperone or house parent. AVB said that Hayman, under the pretense of setting up a bonfire for the girls' camp before Sabbath, obtained permission from AVB's camp counsellor to take AVB to an isolated location, where Hayman forcibly sexually assaulted him.<sup>445</sup> In 2014, Hayman pleaded guilty to a charge in respect of AVB, and was convicted and sentenced to 19 months' imprisonment, suspended on condition of entry into a good behaviour bond.<sup>446</sup>

During the *Church of England Boys' Society* case study, we heard that the Church of England Boys' Society (CEBS) was at its height in the 1970s and 1980s. CEBS branches held weekly meetings at which boys played games, learned various skills and received spiritual training. Camping was a significant activity in CEBS. Boys could earn proficiency badges for skills such as cycling or religious knowledge.<sup>447</sup> We heard from some survivors that child sexual abuse occurred following CEBS branch meetings or at camps.<sup>448</sup>

BYF gave evidence that during travel with other Anglican youth it was common to sleep on the floor of the study or lounge room of a rectory or in a church hall.<sup>449</sup> He said that in mid-1980 he attended a Youth Synod Committee meeting and stayed at perpetrator Reverend Louis Daniels's home. Reverend Daniels was then the Youth and Education Officer for the Anglican Diocese of Tasmania. BYF gave evidence that he was sexually abused during the stay.<sup>450</sup> In 1999 and in 2005, following pleas of guilty, Daniels was convicted of child sexual abuse related offences. The 2005 convictions related to a number of boys, including BYF.<sup>451</sup>

Another survivor, BYB, gave evidence that he first met CEBS leader John Litton Elliot in about 1975, when he was eight years old and Elliot was branch governor of CEBS Sunnybank in Brisbane and a lay preacher. BYB said that Elliot befriended BYB's parents and saw them regularly. From when BYB was about nine years old until he turned 13, he saw Elliot on at least a weekly basis. BYB said that Elliot sexually abused him on nearly all of these occasions. We heard that BYB's parents trusted Elliot and would often encourage BYB to attend activities organised by Elliot, such as overnight CEBS camps. In 2002, Elliot pleaded guilty to offences relating to child sexual abuse, including eight offences relating to BYB.<sup>452</sup>

In the same case study, Mr Mark King said he joined a CEBS branch in Plympton, South Australia, in 1962. Mr King described being groomed by CEBS leaders at activities and camps when he was aged between 10 and 14. Mr King gave evidence that CEBS leaders encouraged sexual activity between the boys during CEBS activities at the church hall and on camps. Mr King told us that he was sexually abused when he attended CEBS camps at Mylor in South Australia and a national CEBS camp in Victoria, and that he was sexually abused after being asked to attend one camp as a kitchen hand. He said that he withdrew from CEBS activities and church life in general after this incident.<sup>453</sup>

In *Case Study 16: The Melbourne Response*, we heard that Father Michael Glennon opened a karate school at St Gabriel's Catholic Parish in Melbourne, Victoria. AFA gave evidence that he went to the karate school about once a week. He said that Father Glennon sexually abused him three times over about 18 months from when AFA was about 15 years old. AFA gave evidence that the first occasion was when he went with Father Glennon to another parish where Father Glennon was opening a new karate school.<sup>454</sup> He said that after the karate demonstration, Father Glennon drove him back to the church and: 'He fondled and molested me in his car in the car park at the back of the St Gabriel's presbytery ... After Father Glennon abused me, I felt ashamed and I felt down'.<sup>455</sup> AFA also said that Father Glennon sexually abused him when they went camping at Lancefield in Victoria, where the karate school had a camp.<sup>456</sup>

In *Case Study 14: The response of the Catholic Diocese of Wollongong to allegations of child sexual abuse, and related criminal proceedings, against John Gerard Nestor, a priest of the Diocese*, we heard that Father Nestor ran camps several times a year from the 1980s, and that newsletters and flyers were circulated in local parishes advertising them. The case study considered rumours and allegations of child sexual abuse made against Father Nestor in relation to children attending camps on the outskirts of Sydney. Father Nestor was later charged and convicted on child sexual abuse charges in 1996. A year later he successfully appealed his conviction. After an 11-year process of investigation and assessment by the Catholic Church, he was dismissed from the priesthood by Pope Benedict XVI in 2008.<sup>457</sup>

# Endnotes

- 1 Transcript of CK, Case Study 3, 18 November 2013 at 1641:42–1642:2.
- 2 The sum of proportions exceed 100 per cent because some survivors told us about child sexual abuse which took place in more than one type of religious institution.
- 3 See Chapter 6 for detail about the Catholic Church claims data and the Anglican Church complaints data.
- 4 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 190.
- 5 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 190.
- 6 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 13.
- 7 Exhibit 57-0001, 'Statement of Marija Radojevic', Case Study 57, STAT.1340.001.0001 at 0001–0003.
- 8 Proportions sum to more than 100 per cent as some survivors told us about child sexual abuse which took place in both a religious school and in a government or secular Independent school, or in a school where the management was unknown.
- 9 D Gonski, K Boston, K Greiner, C Lawrence, B Scales & P Tannock, *Review of funding for schooling: Final report*, Department of Education, Employment and Workplace Relations, Canberra, 2011, p 3.
- 10 B Kerr, *The congregational school: Its history and significance in Catholic education in NSW and Australia*, Conference of Leaders of Religious Institutes in NSW, 2009, p 4; C Campbell, 'Public and private in Australian schooling', *Dictionary of Educational History in Australia and New Zealand (DEHANZ)*, 2014, [dehanz.net.au/entries/public-private-australian-schooling/](http://dehanz.net.au/entries/public-private-australian-schooling/) (viewed 13 October 2017); NSW Government, *School records guide*, [www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/school-records-guide](http://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/school-records-guide) (viewed 13 October 2017); C Campbell & H Proctor, *A history of Australian schooling*, Allen & Unwin, Sydney, 2014, p 13; M Hogan, *The sectarian strand: Religion in Australian history*, Penguin Books, Melbourne, 1987, p 35.
- 11 S Swain, *History of institutions providing out-of-home care to children*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2014, p 27.
- 12 I Wilkinson, 'State aid to non-government schools', *Dictionary of Educational History in Australia and New Zealand (DEHANZ)*, 2013, [dehanz.net.au/entries/state-aid-non-government-schools-2/](http://dehanz.net.au/entries/state-aid-non-government-schools-2/) (viewed 20 January 2016), C Campbell, 'Free, compulsory and secular Education Acts', *Dictionary of Educational History in Australia and New Zealand (DEHANZ)*, 2014, [dehanz.net.au/entries/free-compulsory-secular-education-acts/](http://dehanz.net.au/entries/free-compulsory-secular-education-acts/) (viewed 3 September 2017); RC Thompson, *Religion in Australia: A history*, Oxford University Press, Melbourne, 1994, p 15
- 13 R Fogarty, *Catholic education in Australia 1806–1950, Volume 1*, Melbourne University Press, Melbourne, 1959, pp 242–44; HM Carey, 'An historical outline of religion in Australia' in J Jupp (ed), *The encyclopedia of religion in Australia*, Cambridge University Press, Melbourne, 2009, p 12.
- 14 C Campbell & H Proctor, *A history of Australian schooling*, Allen & Unwin, Sydney, 2014, p 31; J Jupp, 'The social role of religion' in J Jupp (ed), *The encyclopedia of religion in Australia*, Cambridge University Press, Melbourne, 2009, p 37. See also G Sherington, 'Religious school systems' in J Jupp (ed), *The encyclopedia of religion in Australia*, Cambridge University Press, Melbourne, 2009, p 670; J Jupp, 'The social role of religion' in J Jupp (ed), *The Encyclopedia of Religion in Australia*, Cambridge University Press, Melbourne, 2009, p 37.
- 15 TA O'Donoghue, *Upholding the faith: The process of education in Catholic schools in Australia, 1922–1965*, Peter Lang Publishing, New York, 2001, p 143.
- 16 TA O'Donoghue, *Upholding the faith: The process of education in Catholic schools in Australia, 1922–1965*, Peter Lang Publishing, New York, 2001, p 39.
- 17 C Campbell & H Proctor, *A history of Australian schooling*, Allen & Unwin, Sydney, 2014, pp 214–5.
- 18 Australian Bureau of Statistics, 2017, *Schools, Australia, 2016*, cat. no. 4221.0, viewed 18 September 2017, [www.abs.gov.au/ausstats/abs@.nsf/mf/4221.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/4221.0).
- 19 Australian Bureau of Statistics, 2017, *Schools, Australia, 2016*, cat. no. 4221.0, viewed 18 September 2017, [www.abs.gov.au/ausstats/abs@.nsf/mf/4221.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/4221.0).
- 20 Australian Bureau of Statistics, *Government school enrolments on the rise*, media release, Australian Bureau of Statistics, Canberra, 2 February 2017; see also D Gonski, K Boston, K Greiner, C Lawrence, B Scales & P Tannock, *Review of Funding for Schooling – Final Report*, Department of Education, Employment and Workplace Relations, Canberra, 2011, p 4; Department of the Prime Minister and Cabinet, *Reform of the Federation White Paper: Roles and responsibilities in education Part A early childhood and schools Issues Paper 4*, Department of the Prime Minister and Cabinet, 2014, p 27; Australian Bureau of Statistics, 2017, *Schools, Australia, 2016*, cat. no. 4221.0, viewed 18 September 2017, [www.abs.gov.au/ausstats/abs@.nsf/mf/4221.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/4221.0).
- 21 Independent Schools Council of Australia, *Snapshot 2017: Independent schooling in Australia*, 2017, [www.isca.edu.au/wp-content/uploads/2017/05/17140-ISCA-2017-Snapshot-2pp-web.pdf](http://www.isca.edu.au/wp-content/uploads/2017/05/17140-ISCA-2017-Snapshot-2pp-web.pdf) (viewed 9 August 2017). Please note that the Independent Schools Council includes Catholic non-systemic schools in its data for Independent schools.
- 22 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in organisations*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 92–3.
- 23 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in organisations*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 25–6, 93.
- 24 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in organisations*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 26.
- 25 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in organisations*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 27, 87, 89.

26 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in organisations*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 83.

27 D Palmer, *The role of organisational culture in child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 37.

28 P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in organisations*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, pp 87, 93. See also D Palmer, *The role of organisational culture in child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 36–50.

29 For further discussion of hierarchical relationships, including in the context of schools, see P Parkinson & J Cashmore, *Assessing the different dimensions and degrees of risk of child sexual abuse in organisations*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 93; K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 28–9.

30 D Palmer, *The role of organisational culture in child sexual abuse in institutional contexts*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 48.

31 Transcript of DJ De Marco, Case Study 13, 10 June 2014 at 2943:13–19; Transcript of BSB, Case Study 34, 11 November 2015 at 12690:10–31.

32 D Palmer, *The role of organisational culture in child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 51.

33 D Palmer, *The role of organisational culture in child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 51.

34 Transcript of TA Green, Case Study 28, 20 May 2015 at 8250:36–47.

35 We use the term ‘institutions under other management’ to include institutions that were under government management, institutions that were not under government or religious management (including privately run institutions such as yoga ashrams, childcare centres, medical practices or clinics, music or dance schools, secular independent schools and sports clubs, and institutions managed by non-government or not-for-profit organisations) and institutions where the nature of management was not known.

36 A small number of survivors did not discuss the date of abuse.

37 The average time to disclosure is calculated from information provided during 4,817 private sessions that were held before July 2016 because time to disclosure is available for survivors. After this date, time to disclosure was only recorded for survivors who told us they first disclosed in adulthood, not for those who first disclosed as a child.

38 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 17.

39 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 190.

40 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 13.

41 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 77.

42 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 76. The duration of abuse was calculated in the same way whether the claim related to multiple incidents of abuse by one alleged perpetrator or multiple alleged perpetrators.

43 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 59. The duration of abuse was calculated in the same way whether the complaint related to multiple incidents of abuse by one alleged perpetrator or multiple alleged perpetrators.

44 The number of survivors in private sessions has not been provided where there were fewer than five, as this could potentially lead to a survivor being identifiable.

45 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 74; Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 55.

46 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, pp 73–4.

47 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 76.

48 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 58.

49 C Campbell & H Proctor, *A history of Australian schooling*, Allen & Unwin, Sydney, 2014, p 165; K Canavan, *The changing face of Catholic schools in Australia*, Catholic Education Office, Sydney, 2006, pp 1–3.

50 TA O’Donoghue, *Upholding the faith: The process of education in Catholic schools in Australia, 1922–1965*, Peter Lang Publishing, New York, 2001, p 39.

51 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 75.

52 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 75.

53 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 57.

54 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 57.

55 Transcript of DG, Case Study 4, 16 December 2013 at 3092:15–36.

56 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 4: The experiences of four survivors with the Towards Healing process*, Sydney, 2015, pp 82–3.

57 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, pp 29, 30, 37, 38, 41.

58 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, p 21.

59 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, p 22.

60 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, p 29; Transcript of AAJ, Case Study 13, 11 June 2014 at 2996:35–37, 2997:22–24.

61 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, p 29; Transcript of AAJ, Case Study 13, 11 June 2014 at 2998:14–17.

62 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, p 37.

63 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, pp 36–7.

64 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, p 41.

65 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, pp 22, 41.

66 Transcript of BAQ, Case Study 28, 21 May 2015 at 8368:10–28.

67 Transcript of BAA, Case Study 28, 19 May 2015 at 8183:16–24.

68 Transcript of BAA, Case Study 28, 19 May 2015 at 8185:18–34.

69 *DPP v Best* [2017] VCC 181.

70 Name changed, private session, ‘Karl Harry’.

71 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, pp 72–3.

72 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, p 74.

73 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton*, Sydney, 2015, p 72.

74 Transcript of CNR, Case Study 43, 5 September 2016 at 17929:23–29; Transcript of CQT, Case Study 43, 6 September 2016 at 18027:40–45.

75 Transcript of CQT, Case Study 43, 6 September 2016 at 18028:2–8.

76 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, Sydney, 2015, p 26; Transcript of AOA, Case Study 20, 19 November 2014 at 5529:7–46.

77 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school*, Sydney, 2015, p 26.

78 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse*, Sydney, 2015, pp 37–40; Transcript of EJ Fretton, Case Study 18, 10 October 2014 at 9470:8–9471:26.

79 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse*, Sydney, 2015, p 37.

80 Name changed, private session, ‘Leon’.

81 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students*, Sydney, 2016, p 28.

82 Transcript of R Llewellyn-Jones, Case Study 32, 1 September 2015 at 10018:14–29.

83 Transcript of R Llewellyn-Jones, Case Study 32, 1 September 2015 at 10019:35–43.

84 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul’s School to allegations of child sexual abuse*, Sydney, 2017, pp 15–24, 34–8.

85 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul’s School to allegations of child sexual abuse*, Sydney, 2017, p 33.

86 Transcript of BSB, Case Study 34, 11 November 2015 at 12683:28–30; 12684:3–6; 12684:34–12689:36.

87 Transcript of BSB, Case Study 34, 11 November 2015 at 12692:47–12693:4.

88 Transcript of PE Tatchell, Case Study 28, 21 May 2015 at 8327:28–35.

89 Transcript of PE Tatchell, Case Study 28, 21 May 2015 at 8329:17–22.



- 90 Transcript of PE Tatchell, Case Study 28, 21 May 2015 at 8331:17–30.
- 91 Transcript of ASG, Case Study 23, 24 February 2015 at 11843:11–37.
- 92 Name changed, private session, ‘Ritchie’.
- 93 Name changed, private session, ‘Ewan’.
- 94 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students*, Sydney, 2016, pp 30–1.
- 95 Name changed, private session, ‘Arnett’.
- 96 Transcript of BAQ, Case Study 28, 21 May 2015 at 8371:8–12.
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232 Some survivors told us about abuse by a boy and by a girl, so the proportions sum to more than 100 per cent.

233 Transcript of DM Carpenter, Case Study 26, 15 April 2015 at 7382:33–36.

234 Name changed, private session, 'Adele Carole'.

235 Name changed, written account, 'Michael Barry'.

236 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, p 18.

237 Transcript of JF Wells, Case Study 11, 28 April 2014 at 1565:36–37, 42–47; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, p 21.

238 Transcript of VG, Case Study 11, 29 April 2014 at 1605:41–1606:12.

239 Transcript of VG, Case Study 11, 29 April 2014 at 1600:9–13.

240 Name changed, private session, 'Kathleen Grace'.

241 Name changed, private session, 'Tui'.

242 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, p 11.

243 Transcript of JMP Hennessey, Case Study 11, 28 April 2014 at 1530:28–29.

244 Transcript of JF Wells, Case Study 11, 28 April 2014 at 1567:31–41.

245 Name changed, private session, 'Hamish'.

246 Name changed, written account, 'Neil Jeffrey'.

247 Name changed, written account, 'Neil Jeffrey'.

248 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated*, Sydney, 2016, p 48.

249 Transcript of BMB, Case Study 33, 6 October 2015 at 11111:16–28.

250 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated*, Sydney, 2016, pp 68–9; Exhibit 33-0018, 'Statement of Philip Hodges', 15 September 2015, Case Study 33, STAT.0677.001.0001 at 0006.



- 251 Transcript of CA, Case Study 3, 19 November 2013 at 1708:38–46.
- 252 Name changed, private session, ‘Clyde’.
- 253 Name changed, private session, ‘Antony’.
- 254 Name changed, private session, ‘Antony’.
- 255 Name changed, private session, ‘Monty’.
- 256 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf, St Mary’s Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, p 18.
- 257 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf, St Mary’s Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, p 22.
- 258 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf, St Mary’s Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, p 22.
- 259 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children’s homes that it operated*, Sydney, 2016, pp 66–7.
- 260 Name changed, private session, ‘Noel Peter’.
- 261 Name changed, private session, ‘Tami’.
- 262 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf, St Mary’s Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, pp 24–5.
- 263 Transcript of VV, Case Study 11, 29 April 2014 at 1620:46–1621:8.
- 264 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children’s homes that it operated*, Sydney, 2016, pp 66–7; Exhibit 33-0021, ‘Statement of David Reece’, 16 September 2015, Case Study 33, STAT.0675.002.0001 at 0002–0005.
- 265 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children’s homes that it operated*, Sydney, 2016, pp 65–6.
- 266 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*, Sydney, 2017, s 2.3.
- 267 Transcript of P Gray, Case Study 42, 2 August 2016 at 16242:1–4.
- 268 Transcript of P Gray, Case Study 42, 2 August 2016 at 16242:6–10, 18–22.
- 269 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph’s Orphanage, Neerkol*, Sydney, 2016, p 43.
- 270 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph’s Orphanage, Neerkol*, Sydney, 2016, p 45.
- 271 Exhibit 26-0014, ‘Statement of AYE’, 3 March 2015, Case Study 26, STAT.0532.001.0001\_R at 0002\_R–0004\_R.
- 272 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph’s Orphanage, Neerkol*, Sydney, 2016, p 55.
- 273 Transcript of AYK, Case Study 26, 16 April 2015 at 7558:3–18.
- 274 Transcript of AYO, Case Study 26, 16 April 2015 at 7572:22–32.
- 275 Transcript of AYO, Case Study 26, 16 April 2015 at 7573:10–18.
- 276 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton’s response to child sexual abuse at the North Coast Children’s Home*, Sydney, 2014, p 13.
- 277 Exhibit 42-0138, ‘Statement of CKG’, Case Study 42, STAT.1090.001.0001\_R at 0004\_R.
- 278 Transcript of FV, Case Study 5, 30 January 2014 at 4127:43–46.
- 279 Exhibit 42-0138, ‘Statement of CKG’, Case Study 42, STAT.1090.001.0001\_R at 0003\_R.
- 280 Exhibit 26-0004, ‘Statement of Mary Adams’, 19 March 2015, Case Study 26, STAT.0528.002.0001\_R at 0010\_R.
- 281 Transcript of CK, Case Study 3, 18 November 2013 at 1629:32–35, 1632:12–13.
- 282 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton’s response to child sexual abuse at the North Coast Children’s Home*, Sydney, 2014, p 14.
- 283 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton’s response to child sexual abuse at the North Coast Children’s Home*, Sydney, 2014, p 13.
- 284 Transcript of VG, Case Study 11, 29 April 2014 at 1605:39–1606:37.
- 285 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf, St Mary’s Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, p 20.

286 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 39; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated*, Sydney, 2016, pp 9, 11, 13.

287 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home*, Sydney, 2014, p 14.

288 T Blakemore, JL Herbert, F Arney & S Parkinson, *Impacts of institutional child sexual abuse on victims/survivors: A rapid review of research findings*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2017, p 42.

289 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 38; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated*, Sydney, 2016, pp 62, 87–92; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, Sydney, 2016, pp 37–8, 42–3.

290 For example, Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, pp 20–2, 32; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, Sydney, 2016, pp 46–9, 50–5; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, pp 19, 39; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated*, Sydney, 2016, pp 46, 53; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home*, Sydney, 2014, p 12; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home*, Sydney, 2015, pp 23, 25.

291 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, pp 17, 24.

292 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, 2016, pp 47, 50, 51, 53.

293 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, 2016, pp 46, 47, 54.

294 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, pp 13, 17–38.

295 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 38.

296 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 42.

297 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 23.

298 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 41.

299 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 41.

300 Transcript of JMP Hennessey, Case Study 11, 28 April 2014 at 1529:1–7.

301 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, Sydney, 2016, p 43.

302 Transcript of D Owen, Case Study 26, 16 April 2015 at 7511:18–22.

303 Transcript of RA Campion, Case Study 3, 18 November 2013 at 1647:23–27.

304 Name changed, private session, 'Mick'.

305 Name changed, private session, 'Mick'.

306 Name changed, private session, 'Mick'.

307 Name changed, private session, 'Boyd Charles'.

308 Transcript of RJ Ellul, Case Study 11, 29 April 2014 at 1647:9–14; 1649:37–39.

309 Name changed, private session, 'Luca'.

310 Transcript of G Grant, Case Study 11, 30 April 2014 at 1705:41; Name changed, private session, 'Andreas Peter'.

311 Name changed, private session, 'Rosemaree'.

312 Name changed, private session, 'Lydia'.

313 Transcript of M Adams, Case Study 26, 14 April 2015 at 7358:27–33; Name changed, private session, 'Iain'.

314 D Palmer, *The role of organisational culture in child sexual abuse in institutional contexts*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 43–5, 48.

315 Transcript of AYO, Case Study 26, 16 April 2015 at 7571:30–41.

316 Name changed, private session, 'Stan Peter'.

317 Exhibit 42-0138, 'Statement of CKG', 22 July 2016, Case Study 42, STAT.1090.001.0001\_R at 0002\_R.

318 Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Commonwealth of Australia, Canberra, 2004, p 13. See also Senate Standing Committee on Community Affairs, *Lost Innocents: Righting the record – Report on child migration*, Commonwealth of Australia, Canberra, 2001, pp 72–3; L Forde, *Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions*, Queensland Government, Brisbane, 1999, p 77.

319 Transcript of M Adams, Case Study 26, 14 April 2015 at 7365:2–9.

320 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 35.

321 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, pp 18, 28; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated*, Sydney, 2016, p 53; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 18; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, Sydney, 2016, pp 46, 49, 53–4; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home*, Sydney, 2014, p 12; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home*, Sydney, 2015, p 22. Also see, for example, Name changed, private session, 'Wilfred'; Name changed, private session, 'Sid'.

322 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, Sydney, 2016, p 46.

323 Name changed, private session, 'Cody'.

324 Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Commonwealth of Australia, Canberra, 2004, p 86.

325 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, pp 12, 14, 16–8.

326 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated*, 2016, p 63; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, p 12; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, pp 29, 39.

327 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home*, Sydney, 2014, p 12.

328 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home*, Sydney, 2014, pp 4, 13–14.

329 Transcript of CK, Case Study 3, 18 November 2013 at 1642:38–44.

330 Transcript of TR Murnane, Case Study 26, 15 April 2015 at 7468:2–7.

331 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 29.

332 Transcript of CR Walsh, Case Study 11, 29 April 2014 at 1589:13–15; Transcript of RJ Ellul, Case Study 11, 29 April 2014 at 1648:19–20; Transcript of G Grant, Case Study 11, 30 April 2014 at 1704:46–1705:1.

333 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, Sydney, 2016, p 42.

334 Name changed, private session, 'Chris James'.

335 Name changed, written account, 'Patrick Luke'.

336 Senate Standing Committee on Community Affairs, *Lost Innocents: Righting the record – Report on child migration*, Commonwealth of Australia, Canberra, 2001, pp 73, 85–90; Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Commonwealth of Australia, Canberra, 2004 pp 39, 111–14.



- 337 Human Rights and Equal Opportunity Commission, *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Commonwealth of Australia, Sydney, 1997; Senate Standing Committee on Community Affairs, *Lost Innocents: Righting the record – Report on child migration*, Commonwealth of Australia, Canberra, 2001; Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, Commonwealth of Australia, Canberra, 2004.
- 338 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, p 18.
- 339 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, p 14.
- 340 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School*, Sydney, 2014, p 16.
- 341 L Forde, *Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions*, Queensland Government, Brisbane, 1999, p 79.
- 342 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, Sydney, 2016, pp 46, 48, 53.
- 343 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, Sydney, 2016, p 41.
- 344 Name changed, private session, 'Clarice Jane'.
- 345 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, Sydney, 2016, pp 46, 48, 53, 58; Name changed, private session, 'Glenys Maree'; Name changed, private session, 'Ned'; Name changed, private session, 'Ferris'; Name changed, private session, 'Colette'; Name changed, private session, 'Aden Patrick'.
- 346 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 60.
- 347 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 71.
- 348 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 71.
- 349 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, p 42.
- 350 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 5: Response of The Salvation Army to child sexual abuse at its boys homes in New South Wales and Queensland*, Sydney, 2015, pp 36–7.
- 351 Transcript of FP, Case Study 5, 29 January 2014 at 3993:8–24.
- 352 Transcript of K Marshall, Case Study 5, 3 February 2014 at 4188:42–4189:5
- 353 Name changed, private session, 'Gilbert'.
- 354 Name changed, private session, 'Clyde'.
- 355 Name changed, private session, 'Euan Frank'.
- 356 Transcript of AYA, Case Study 26, 16 April 2015 at 7481:35–44; *Report of Case Study 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol*, 2016, p 51.
- 357 Transcript of AYK, Case Study 26, 16 April 2015 at 7555:15–18.
- 358 Name changed, private session, 'Regina Therese'.
- 359 Name changed, private session, 'Regina Therese'.
- 360 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home*, Sydney, 2014, p 14.
- 361 Transcript of CK, Case Study 3, 18 November 2013 at 1643:15–18, 34–35.
- 362 Name changed, private session, 'Louisa Catherine'.
- 363 K Kaufman & M Erooga, *Risk profiles for institutional child sexual abuse: A literature review*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, pp 49–51.
- 364 Name changed, private session, 'Martina'.
- 365 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 73.
- 366 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 55.
- 367 Some survivors did not discuss the date of abuse.
- 368 Some survivors did not discuss the date of abuse.
- 369 Some survivors told us about the duration of abuse in multiple institutions, so the sum of the proportions of those who told us about this exceeds 100 per cent.

370 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 76.

371 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 59.

372 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 74.

373 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 55.

374 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 76.

375 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 58.

376 The number of survivors in private sessions has not been provided where there were fewer than five, as this could potentially lead to a survivor being identifiable.

377 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 75.

378 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 57.

379 The number of survivors in private sessions has not been provided where there were fewer than five, as this could potentially lead to a survivor being identifiable.

380 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*, Sydney, 2017, s 2.3.

381 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*, Sydney, 2017, s 2.3.

382 Name changed, private session, 'Seymour'.

383 Name changed, private session, 'Konrad'.

384 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 35: The response of the Catholic Archdiocese of Melbourne to allegations of child sexual abuse*, Sydney, 2017, s 3.1.

385 Transcript of BTO, Case Study 35, 30 November 2015 at 13585:23–29.

386 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study 35: The response of the Catholic Archdiocese of Melbourne to allegations of child sexual abuse*, Sydney, 2017, s 3.1.

387 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study 35: The response of the Catholic Archdiocese of Melbourne to allegations of child sexual abuse*, Sydney, 2017, s 3.5.

388 Name changed, private session, 'Jack Eric'.

389 Transcript of M Waks, Case Study 22, 2 February 2015 at 6002:40–43.

390 Transcript of M Waks, Case Study 22, 2 February 2015 at 6003:31–34.

391 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 22: Response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions*, Sydney, 2016, p 28.

392 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 22: Response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions*, Sydney, 2016, p 28.

393 Transcript of M Waks, Case Study 22, 2 February 2015 at 6003:31–44.

394 Transcript of J Stewart, Case Study 35, 25 November 2015 at 13245:6–18.

395 Transcript of J Stewart, Case Study 35, 25 November 2015 at 13246:12–46; Transcript of GA Sleeman, Case Study 35, 25 November 2015 at 13282:18–45, 13287:12–17.

396 Exhibit 35-0002, 'Catholic Education Office Intra-Office Memo from Sister Joan Power to Father Doyle', 11 November 1985, Case Study 35, COM.0078.0001.0201 at 0201\_R; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study 35: The response of the Catholic Archdiocese of Melbourne to allegations of child sexual abuse*, Sydney, 2017, s 2.3.

397 Exhibit 35-0017, 'Statement of Julie Stewart', 25 November 2015, Case Study 35, STAT.0766.002.0001\_R at 0003\_R.

398 Exhibit 35-0017, 'Statement of Julie Stewart', 25 November 2015, Case Study 35, STAT.0766.002.0001\_R at 0004\_R.

399 Name changed, private session, 'Martina'.

400 Name changed, private session, 'Ann Mary'.

401 Transcript of AYB, Case Study 26, 14 April 2015 at 7315:42–7316:2.

402 Royal Commission into Institutional Responses to Child Sexual Abuse, *Criminal justice: Parts III–VI*, Sydney, 2017, pp 216–24.

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## 9 Characteristics of child sexual abuse specific to religious institutions

The most important thing to get across is the authority that a priest holds when you're raised Catholic in generations of strong Catholics, and also the fear they inspire ... As a little child you know, being brought up Catholic, their word is sacred. They hold the truth, they are respected, and you don't have anything on that. And when they treat you like he treated me, you do feel like you are the ultimate dirt because this is the man of God doing this to you. You are nothing. To have this as a little child, that takes away anything, everything. It colours everything and every other person that you see and that you meet.<sup>1</sup>

**Private session, 'Bridget'**

During our inquiry we learned about many features of child sexual abuse common to both religious institutions and institutions under other management. However, we also learned that child sexual abuse in religious institutions exhibited some specific characteristics, particularly where the perpetrator was a person in religious ministry.

Survivors frequently told us about the trust and respect shown by religious families and communities to people in religious ministry. In this environment, perpetrators who were people in religious ministry often had unfettered access to children. We also heard of many instances where this trust and respect was a factor in the way that perpetrators groomed children and their families.

We heard about perpetrators who threatened their victims or blamed them for the abuse, often with religious overtones. Survivors told us about being threatened with going 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.

Survivors told us about child sexual abuse that involved the use of religious rituals, symbols or language. We also heard about priests misusing the practice of religious confession to facilitate child sexual abuse or to silence their victims. 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.

This chapter discusses what we learned about the specific characteristics of child sexual abuse in religious institutions. It considers:

- the nature of religious communities, including 'closed' communities, and attitudes towards sex and sexuality in religious communities
- the status afforded to people in religious ministry
- the access that people in religious ministry had to children



- the ways in which perpetrators who were people in religious ministry groomed children and their families, and coerced or threatened children
- child sexual abuse that involved religious practices or rituals.

We also learned that some of the specific characteristics of child sexual abuse in religious institutions were relevant to the impacts of the abuse, and also to whether and how children were able to disclose that they had been abused. These issues are discussed in Chapter 10, ‘Impacts of child sexual abuse in religious institutions’ and Chapter 11, ‘Disclosure of child sexual abuse in religious institutions’.

## 9.1 Nature of religious communities

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The Jehovah’s Witnesses is a very secluded community, and very isolated within the broader community. They very much keep to themselves ... It’s the first time many of us have had anything like this happen, where somebody has come from the outside and ... shone a spotlight on it.<sup>2</sup>

**Private session, ‘Kaley’**

In public hearings and private sessions, survivors of child sexual abuse described the religious families and communities they grew up in. We frequently heard about the high level of trust and respect shown by such families and communities to people in religious ministry. Some survivors told us that life within their religious community was all-encompassing and they had little social interaction with people outside that community.

Survivors told us about characteristics of their religious communities that may have contributed to the risk of child sexual abuse, acted as a barrier to disclosure, or affected institutional responses. We heard, in particular, that risks may have arisen in religious communities that were ‘closed’ or separate from the broader community, or in which there was a reluctance to discuss issues related to sex and sexuality.

### 9.1.1 Religious communities and families

Commissioned research showed that people who share religious beliefs often have strong bonds with each other and there are often strong connections between religious families, the religious community and their religious leaders.<sup>3</sup>

Many survivors told us about the relationship between their place in a religious family and a religious community, and their experience of child sexual abuse. We heard that, in devout religious families, parents often had such high regard for people in religious ministry that they

naturally trusted them to supervise their children. Many parents were unable to believe that people in religious ministry could be capable of abusing children.

*In Case Study 28: Catholic Church authorities in Ballarat (Catholic Church authorities in Ballarat)*, Mr David Ridsdale gave evidence that he was sexually abused by his uncle, Father Gerald Ridsdale. He said that his family placed Ridsdale on a pedestal because he was a priest, and that Ridsdale 'took full advantage of his exalted status'.<sup>4</sup> Mr David Ridsdale explained that when his uncle came to visit, his grandmother would become 'extremely frantic'. He told us: 'hours before he was due to arrive, all of my father's six other siblings had to get their cars off the driveway, everything had to be prepared for Gerald to smoothly drive in'.<sup>5</sup> Mr David Ridsdale gave evidence that no one in the family questioned Ridsdale's behaviour, even when he turned up with young boys:

On another occasion Gerald was at my grandparents' home with a boy who had been living with him while he was a priest in Mortlake. Gerald told me the boy was living with him while his parents were going through a divorce. I remember that, while we were at my grandparents' house, he stood the boy on the table, was giving him Eskimo kisses and kissing him inappropriately in front of members of the family present ... I remember being disturbed that nobody said anything.<sup>6</sup>

Often, children in religious families were closely involved with the practice of religion. In some cases this exposed them to situations where they were at risk of sexual abuse. For example, we heard from survivors who told us they were abused by priests while they were altar boys in the Catholic Church or the Anglican Church, as discussed in Chapter 8, 'Common contexts where child sexual abuse occurred in religious institutions'.

Some survivors told us that their religious parents expected them to enter the priesthood or become religious brothers or sisters when they finished their schooling. We heard that this expectation was a barrier to some victims disclosing that they had been sexually abused, as they did not want to be a disappointment to their parents. Other survivors told us that they feared disclosing to their devout religious families, in some cases for fear of the impact on their parents' religious faith and their standing in the religious community. This is discussed further in Chapter 11.

*In Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)*, CKA gave evidence that his parents were actively involved in the Anglican Church and that this involvement 'provided a real sense of community'. His mother was the organist and his father did most of the maintenance at their local church in Newcastle, New South Wales.<sup>7</sup> CKA told us:

Mum decided when I was young that I was going to become a priest. It was through my family's association with the Church that three of us four boys became altar boys. You had to be ten years old to become an altar boy. It was actually something I aspired to because I wanted mum to be proud. It was a status symbol in the community to be an altar boy.<sup>8</sup>



CKA started his altar boy training when he turned 10 years old under the guidance of their parish priest, Father George Parker. CKA said he 'had to attend training classes after school for six weeks before I could serve on the altar'.<sup>9</sup> CKA gave evidence that he was sexually abused by Father Parker during the five years that he served as an altar boy, from 1971 until 1975, and that the abuse occurred at least fortnightly and escalated in severity over time. CKA told us that Father Parker was a trusted family friend who often came to their family home for lunch, and that as the parish priest, Father Parker was held in high regard.<sup>10</sup> CKA said: 'During [Father Parker's] abuse, he would often say things to me like "This is our special secret, remember how good a friend Father [Parker] is."' CKA told us that at the time he felt that he could not disclose Father Parker's 'secret' because no one would believe him.<sup>11</sup>

In private sessions we heard similar themes from survivors of child sexual abuse in religious institutions. 'Brendan' recalled that in the 1970s the status of priests among staunch Catholics dissuaded discussion of child sexual abuse, stating, 'I mean, everybody had so much trust in priests you would not dare say anything'.<sup>12</sup>

In another private session, 'Emory' emphasised the level of authority exerted by people in religious ministry when he told us about being sexually abused by a religious priest:

As a child we were taught that people of the cloth were representatives of God, and above the usual person. It was like a magical connection with God ... We lived church every day ... The problem was the utmost respect for all clergy without defining the difference between the flesh and the spiritual. This is where things went very wrong. Some of the people of the cloth used this holy mask to satisfy their twisted minds.<sup>13</sup>

'Emory' grew up in the 1970s and told us that he was first abused by the priest at the age of eight. He said the priest told him:

with a smile and a wink, 'this was our secret'. He was also a priest and I felt privileged that a priest's 'secret' included me. I remember as a kid a secret was sacred and with a priest it was [a] covenant.<sup>14</sup>

A small number of survivors told us about extreme cases where the spiritual and moral authority of people in religious ministry was such that parents punished their children if they did not comply with the sexual demands of a perpetrator. In a private session 'Amanda' told us about being a survivor of sexual abuse in an independent Christian church. 'Amanda' told us that her mother had a serious mental illness and was preyed upon by the religious representative of her church. She said that in the 1970s he would regularly perform 'exorcisms' on 'Amanda' to 'rid the demons' from her body. She said he told her 'it was okay if I touched him on his crotch and that I could suck his penis if I wanted to'. 'Amanda' told us that whenever she refused his suggestions, her mother beat her severely.<sup>15</sup>

While it is not a feature of every religious community, we heard about some religious communities that could be described as ‘closed’, for example the Jehovah’s Witnesses and the Yeshivah Melbourne and Yeshiva Bondi communities.<sup>16</sup> In ‘closed’ religious communities, children may have limited interaction with the broader community. Research suggests that, within such communities, isolation or restrictions are imposed on community members to limit their interaction with the outside world, enabling the community to maintain its exclusive identity.<sup>17</sup>

In *Case Study 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions (Yeshiva Bondi and Yeshivah Melbourne)*, we heard that Chabad-Lubavitch communities, such as Yeshiva Bondi and Yeshivah Melbourne, are defined by a strict adherence to the obligations of the practice of the ultra-orthodox Jewish faith.<sup>18</sup> Chabad-Lubavitch communities have limited engagement with the secular world. Life typically revolves around the synagogue, and the community places considerable authority in the rabbi for guidance in a number of aspects of daily life beyond religious or spiritual matters. Members of these communities rely heavily on standing and connections inside the community for marriage, employment, education of children and social support. The risk of losing standing inside the closed Chabad-Lubavitch community was a fearsome driver for compliance with the principles of Jewish law as interpreted by the rabbis.<sup>19</sup>

Witnesses in the *Yeshiva Bondi and Yeshivah Melbourne* case study described Chabad-Lubavitch communities as ‘insular’.<sup>20</sup> One witness said that his friends all came from within the Chabad-Lubavitch community. Another witness said that he could not recall having any significant contact with ‘any non-Jew’ during his childhood.<sup>21</sup> Yet another witness gave evidence that some ultra-orthodox parents restricted their children’s exposure to television, newspapers or other media deemed to contain material incompatible with the practice of the ultra-orthodox Jewish faith.<sup>22</sup>

Chapter 17, ‘Yeshiva Bondi and Yeshivah Melbourne’ discusses factors that may have contributed to inadequate institutional responses of Yeshiva Bondi and Yeshivah Melbourne to child sexual abuse, including factors relating to the beliefs and practices of insular Chabad-Lubavitch communities.

Similarly, we heard that the Jehovah’s Witness organisation maintains a separateness from the secular world. The organisation teaches that ‘it was of great importance to Jesus that his followers keep separate from the world’, and offers guidance on how its members might themselves go about emulating Jesus and keeping separate from the world.<sup>23</sup>

‘Yasmin’ told us in a private session that her Jehovah’s Witness community was closed and self-protective in nature and that child sexual abuse was ‘rampant’ and not dealt with. She told us that it was common knowledge that abuse was taking place, yet to speak up about it was considered ‘dragging God’s name through the mud’.<sup>24</sup>

In *Case Study 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse (Jehovah's Witnesses)*, we heard evidence that members of the Jehovah's Witnesses were discouraged from attending sex education classes in school, participating in extracurricular activities such as sport, and furthering their education.<sup>25</sup> We also heard about how the teaching of separateness from the world can serve to isolate children from their peers and discourage them from reporting abuse to authorities. One witness said that from a young age, she had been taught that 'worldly' people including the police were bad and not to be trusted.<sup>26</sup> In that case study we found that children within the Jehovah's Witness organisation were not adequately protected from the risk of sexual abuse.<sup>27</sup> Chapter 15, 'Jehovah's Witnesses' discusses responses of the Jehovah's Witness organisation to allegations of child sexual abuse and factors which may have contributed to the occurrence of abuse or to inadequate institutional responses.

Chapter 10 discusses impacts of child sexual abuse on religious families and communities, as well as impacts on victims who were alienated or ostracised from their religious family or community after disclosing sexual abuse.

Chapter 11 discusses barriers to disclosure of child sexual abuse in the context of religious families and communities.

Chapter 20, 'Making religious institutions child safe', discusses how transparency and accountability in relation to child safety can be improved in religious institutions through increased family and community involvement.

### 9.1.2 Attitudes towards sex and sexuality in religious communities

One characteristic that perpetrators may look for in children who they wish to target for sexual abuse is a lack of knowledge about sex and sexuality.<sup>28</sup> Commissioned research found that a lack of understanding about sexual behaviour may contribute to a child's vulnerability to sexual abuse because they do not know that what is happening is wrong. They do not have the language or words to explain what has happened to them, or the ability to place the abuse in context and understand what has happened.<sup>29</sup>

Survivors who told us about child sexual abuse across a range of institutions – including religious institutions and institutions under other management – often said that at the time they were abused they were extremely naive and had received very little sex education. Survivors who were sexually abused in religious institutions told us this was a particular factor in the abuse they experienced.

Children in some religious communities may have particularly poor knowledge or understanding of sex and sexuality. During our inquiry, we heard about religious communities where issues relating to sex and sexuality were rarely or never discussed. Survivors told us they had little

knowledge or understanding of sexual behaviour while they were growing up. Some survivors told us they came from religious families where sex was a taboo subject. They were not given sex education, and sexuality was considered something to be ashamed of and not discussed.

Religious beliefs may have contributed to this. In some religious organisations, official teachings on sex and sexuality are very restrictive. For example, Doyle, Sipe and Wall have noted that in the Catholic Church, 'all wilful expressions of sexuality in thought, word, deed or desire are mortally sinful outside of marriage'.<sup>30</sup> However, it should be noted that most of the survivors we heard from told us they experienced child sexual abuse before 1990, when conservative attitudes towards discussing sex and sexuality were more common in society generally, not just in religious settings.

In public hearings and private sessions we heard from survivors about growing up in religious families and communities with little or no education about sex, and how this left them vulnerable to sexual abuse.

BAC, who gave evidence in the *Catholic Church authorities in Ballarat* case study, told us that he grew up in Ballan, Victoria. He described Ballan as 'a very religious community' where the parish priests and religious brothers were regular visitors to his family home. He told us that one of those visitors was his teacher, Brother Stephen Farrell, who started to sexually abuse him at home and on school grounds in 1972. BAC told us that he was vulnerable to abuse because he had no knowledge of sex:

At first, I didn't know what was going on, and by the time I worked it out, it was way out of control. I didn't know what to do or who to talk to. Sex was not something that was discussed, let alone the sexual abuse of children.<sup>31</sup>

This was echoed by Mr Stephen Woods, who also gave evidence in the *Catholic Church authorities in Ballarat* case study. He told us his family was 'very involved' with the Catholic Church in Bungaree, Victoria.<sup>32</sup> He gave evidence that he was sexually abused by a number of religious brothers and a priest while attending school in Ballarat, Victoria, in the 1970s. He told us that he came from a large Catholic family where no one, including his parents, talked about sex. 'I didn't even know what my testicles were. So, in relation to the abuse, I was very much alone', Mr Woods explained.<sup>33</sup>

'Ralf', who grew up in a very large Catholic family, told us in a private session that he did not realise that he had been sexually abused until he had sex education lessons in Year 9 at his Catholic school in Queensland in the 1970s. 'That's probably the first sex instructions where they had diagrams ... And I knew what had happened to me two years earlier ... I'd been touched up', he said. 'Ralf' told us that his parish priest, 'Father Mark', had raped him in the parish office. He said that at the time he didn't fully understand what was happening to him. 'Ralf' said that after the rape 'Father Mark' told him, 'This is a matter between you, me and God. God wanted me to see if you were developing normally'.<sup>34</sup>

'Stella' told us in a private session that when she was 10 years old in the 1950s, the nuns at her Catholic school in South Australia regularly took Stella's class to the local library. 'Stella' said that on one occasion the librarian, 'Reginald Drummond', molested her behind the counter. 'Stella' told us that she did not say anything to 'Drummond' or tell the nuns from the school what he had done:

Being a child at a Catholic school who [was] brought up with no sex education at all – sex was just a dirty undesirable thing to propagate the species as far as the nuns were concerned – I didn't relate it to anything sexual but it made me feel uncomfortable.<sup>35</sup>

Catholic clergy, despite being subject to mandatory celibacy, are often considered by Catholics to be experts on sexual behaviour and morality.<sup>36</sup> Section 13.11.7, 'Celibacy', considers Catholic Church teachings around celibacy and sexuality, in the context of potential factors that may have contributed to child sexual abuse. We heard from some survivors about being sexually abused as children by Catholic priests, or by other people in religious ministry, under the guise of sex education lessons or counselling sessions.

Hazel Jean' told us in a private session that she received no sex education at home or from the religious sisters at her Catholic high school in the mid-1960s. She said: 'Young people were far more naive around sexuality than what they are now. And having the nuns tell you things like, "Women don't run. It excites men" ... what rubbish'. 'Hazel Jean' told us that when a boy kissed her at a school dance when she was 14 years old she thought she was pregnant. She sought guidance and started attending frequent counselling sessions with her parish priest because she thought, 'I've ruined my life'. She told us that she believed her naivety towards sex made her vulnerable towards the advances of the parish priest, who started to groom her. In counselling sessions the priest would say, 'You're a lovely girl', while putting his hands on her knees and 'running his hands up my, you know. I felt uncomfortable. Really uncomfortable with it, but God was involved ... and so I was becoming really confused with the whole thing'.<sup>37</sup>

In the *Catholic Church authorities in Ballarat* case study, BAS gave evidence that Brother James Philip McCarthy sexually abused him when he was in Grade 5 or 6 at St Patrick's Christian Brothers Boys' Primary School in Ballarat, Victoria, in the 1960s. BAS told us that Brother McCarthy caught him in the playground playing with a condom. BAS at the time thought it was a balloon. He told us that Brother McCarthy instructed BAS to meet him in the music room after school for his 'punishment' and 'sex education lessons'. BAS told us that when he went to the music room, Brother McCarthy started hitting him and told him what condoms were used for. BAS said that Brother McCarthy took off his robe and 'held the condom in his hand and told me to masturbate him with the condom on and then without the condom so I would know the difference'.<sup>38</sup>

As discussed above, we heard about some 'closed' religious communities during our inquiry. Survivors of child sexual abuse in particular Jewish institutions and the Jehovah's Witnesses told us about receiving very limited sex education in their 'sheltered' communities.

‘Marilyn’, who was born in the late 1980s, told us in a private session that she was sexually abused in her mid-teens by a female teacher when she attended a Jewish school that was ‘very, very sheltered’:

We were brought up without any TV or internet, no newspapers, all the books that we read were vetted. The whole concept of male and female was something we were not supposed to know about so we were completely segregated in the community ... I had absolutely no sex education whatsoever.<sup>39</sup>

In the *Yeshiva Bondi and Yeshivah Melbourne* case study, we heard that AVR found it difficult to contextualise or describe the child sexual abuse he suffered at the hands of David Cyprys, who held multiple roles at Yeshivah Melbourne. AVR gave evidence that this was because of his limited knowledge of sex.<sup>40</sup> In that case study we found that, in some instances, a limited knowledge about sex and limited sex education, affected perceptions of child sexual abuse amongst members of the Chabad-Lubavitch communities; adversely impacted upon survivors’ comprehension of and response to events of child sexual abuse; and gave rise to difficulty in communicating on the subject and making reports.<sup>41</sup> These issues are discussed in Chapter 17.

In the *Jehovah’s Witnesses* case study, BCG gave evidence that she was sexually abused by her father, a ministerial servant in the Mareeba Congregation in Queensland. She told us that her parents did not allow her to attend sex education classes at school.<sup>42</sup> She said that ‘the Jehovah’s Witnesses counselled that it was the responsibility of the Jehovah’s Witness parents to teach their children about sex’.<sup>43</sup>

In a private session, ‘Myles Andrew’, told us that that he was raised in the Jehovah’s Witnesses and had little knowledge of sex and sexuality. He told us, ‘sexuality in particular was as foreign to me as one might expect of a child brought up in a deeply religious family ... Something that should have been a normal, natural development, something a boy discovers by himself, was suddenly forced upon me in a way that is hard to imagine’. He believes that the perpetrator, a member of the congregation, took advantage of his lack of knowledge of sex. He told us:

Why did I go along with this? Well, this is how a paedophile operates. Cleverly, he whispered in my ear and told me not to say anything ... and that this is how a boy becomes a man ... Naively, I believed him as he was a man of the Church, a man of authority ... I had no knowledge of such things with my religious upbringing, and was easily influenced.<sup>44</sup>

We also heard that, in some cases, victims of child sexual abuse in religious institutions experienced impacts on their sexual identity, gender identity or sexual behaviours in adolescence or in adulthood. Such impacts are discussed in Volume 3, *Impacts*.

In Chapter 20 we consider how to improve children’s empowerment in religious institutions, including through age-appropriate education that aims to increase their knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies.

## 9.2 Status of people in religious ministry

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Being in a Catholic primary school back then, the priest was the closest thing to God ... The priest is God, he is God's messenger so he is God on earth to a little kid. So, if he came in and said 'I need helpers to do this', everybody puts their hand up and goes, 'Pick me, pick me'.<sup>45</sup>

**Private session, 'Taila Jane'**

During our inquiry we heard from victims and survivors, their family members and expert witnesses that the status afforded to people in religious ministry played a role in enabling the perpetration of child sexual abuse. Research also suggested that the authority of people in religious ministry and the unquestioned power granted to them by their religious community meant they were trusted implicitly. This trust ensured their access to children.<sup>46</sup>

Many of those who told us about child sexual abuse in religious institutions told us that the perpetrators were people in religious ministry, including ministers, priests, pastors, deacons, rabbis, Salvation Army officers, church elders, and religious brothers and sisters. Chapter 7, 'People we heard about in religious institutions', discusses the positions held by perpetrators of child sexual abuse in religious institutions.

Volume 2, *Nature and cause*, discusses characteristics that we identified as being common across all or most of the positions held by perpetrators of child sexual abuse in institutional contexts. These included a perpetrator's access to children, their power and authority over children and over protective adults in the community, and their expectation of obedience from children. Characteristics of particular relevance to perpetrators who were people in religious ministry included:

- prestige resulting in the perpetrator being afforded a very high level of trust and credibility
- opportunities to form close relationships with children and/or their families
- unsupervised, one-on-one access to a child, such as travelling alone with the child
- spiritual or moral authority over a child
- authority over a child, particularly in situations with significant control, such as a residential setting.

Often it was the status associated with the role of ministering in religion that gave perpetrators unfettered access to and authority over children, in a way that was different from non-religious perpetrators. While the nature of this authority may have differed between religious



organisations, often people in religious ministry were considered to be representatives of God, which set them apart from the rest of the religious community. We heard from survivors of child sexual abuse that they had been raised to view people in religious ministry this way.

Survivors who grew up in the Catholic and Anglican faiths told us that as children they were taught that 'priests, Brothers and nuns were closer to God',<sup>47</sup> that priests were 'up there like with God',<sup>48</sup> were 'next to God',<sup>49</sup> had 'a direct link to God',<sup>50</sup> 'were gods',<sup>51</sup> or were 'the representation of God'.<sup>52</sup> Survivors told us that they had been taught as children that priests were 'the next step down from God ... all-powerful and special',<sup>53</sup> and 'incapable of sin'.<sup>54</sup>

In *Case Study 4: The experiences of four survivors with the Towards Healing process*, survivor Mrs Joan Isaacs told us that Father Francis Derriman said to her that 'if [she] loved God, it would be okay to have sex with him because he was God's representative'.<sup>55</sup> In *Case Study 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol (St Joseph's Orphanage, Neerkol)*, AYA gave evidence that on her 12<sup>th</sup> birthday Father Reginald Durham invited her to the presbytery at the orphanage and told her he was going to give her a birthday present. AYA said that Father Durham hugged and kissed her, stuck his tongue down her throat and grabbed her on the bottom, pushing her close to him while saying, 'it was okay, because if it was wrong, God wouldn't let it happen'.<sup>56</sup>

In the *Anglican Diocese of Newcastle* case study, CKL gave evidence that his mother was 'devoted to the church'.<sup>57</sup> He said:

My parents raised us to view the church and priests with respect. In those days, everything good was attributed to the grace of God. I was taught to believe that priests are examples of how good people live their lives. Through our family's involvement in the church, I got to know some of the clergy and church workers. We frequently had priests at our home for lunch after services and I respected them because I could feel in my bones that they were good men.<sup>58</sup>

CKL gave evidence that his two brothers were encouraged to be altar boys from a young age. CKL said that although he never served as an altar boy, as he was not interested, his two younger brothers became altar boys and were both sexually abused by the parish priest, Father George Parker, in the 1970s.<sup>59</sup>

In the same case study, CKR, the mother of survivor CKU, gave evidence that her son would often stay overnight at Ian Barrack's home, and that at first she was not concerned about this as it was a Christian community.<sup>60</sup> Both CKR and Barrack were studying to be Anglican priests at Morpeth College in New South Wales when Barrack sexually abused CKU in 1998. In 2005, Barrack was charged with offences against CKU. He was sentenced in 2006 to two years' imprisonment.<sup>61</sup>

'Sue Ann' told us in a private session that she was a 'holy little girl' when she was sexually abused by 'Father Gonzales' in the church sacristy and at her Catholic primary school in Melbourne in the 1960s. She said that:

The priest was considered to be God's representative on the Earth. And seriously, people believed that – including the nuns, and the teachers, and my parents. They could do no wrong. They were God's representative. For a little girl – you don't make sense of that ... No wonder I blocked it out. Because it doesn't fit. It's worse than being abused by a parent, because we put our trust in something much greater than the earthly level. That's really where those priests were. They were on that pedestal. That's how we were raised, and that's how the school saw it too.<sup>62</sup>

Some survivors told us that, because they had been taught that the priest was God's representative on earth, the sexual abuse they experienced from a priest or religious leader left them bewildered and shocked. Mr Gordon Grant gave evidence in *Case Study 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School (Christian Brothers)* that:

Father Eugene had tried to sexually abuse me ... I was very confused. He was a priest. As a boy in the care of the nuns at the Welsh orphanage, I was told that priests were men of God and were good and they did not commit sins.<sup>63</sup>

We also heard from people in religious ministry themselves about being viewed as representatives of God. Dr David Ranson, theologian and Vicar General of the Diocese of Broken Bay in New South Wales, gave evidence during *Case Study 50: Institutional review of Catholic Church authorities (Institutional review of Catholic Church authorities)* that:

I'm frightened by the fact that children think of me as God. Little children of 2 or 3 come to mass every weekend with their families. They see me in this exalted position and they naturally, through their childlike sense of wonder, equate me with God. This is an extraordinarily frightening proposition, and it has taught me the hurt and the extraordinary damage that is created in the experience of abuse – it is not just an individual abusing another individual; it is God who has abused, in the mind of the child, and this sets up irreparable damage.<sup>64</sup>

Commissioned research indicated that some Catholic priests who were perpetrators of child sexual abuse used their 'special relationship with God' to facilitate the abuse.<sup>65</sup> In the Catholic Church, a priest is viewed as fundamentally changed, or 'indelibly marked' at his ordination.<sup>66</sup> This view, which has been associated with the culture of clericalism, is discussed in Section 13.11.3, 'Clericalism'. In the *Institutional review of Catholic Church authorities* public hearing, we heard evidence that clericalism led to priests being put on a pedestal.<sup>67</sup>

Dr Gerardine Robinson, clinical psychologist and former Clinical Director of Encompass Australasia, who has worked extensively with child sex offenders, particularly Catholic priests and religious brothers, told us that putting priests ‘up on a pedestal’ had been identified as contributing to a ‘higher incidence’ of abuse by Catholic clergy.<sup>68</sup>

Dr Thomas P Doyle OP, an American Dominican priest, canon lawyer and survivor advocate, gave evidence that Catholic priests were able to use their ‘stature’ to seduce and groom victims.<sup>69</sup> In his academic writing, Dr Doyle has explained that the relationship between a victim and a cleric is forged by a ‘trauma bond’ and by the power differential that exists between the two:

This bond, based on the sacred and trusted image of the priest, is nurtured and strengthened over time by the implicit and explicit influence of the institutional church through its teaching and preaching. It is especially [reinforced] by the person’s parents and by the environment experienced while growing up.<sup>70</sup>

In *Case Study 52: Institutional review of Anglican Church institutions*, Archbishop Phillip Aspinall, Archbishop of Brisbane and former primate of the Anglican Church of Australia gave evidence that clericalism:

can take an Anglo-Catholic form, where the priest is seen as having some kind of changed status and, therefore, to be revered and deferred to. In the evangelical tradition, it takes a different form, where the priest is seen as the qualified teacher, the one with the specialist knowledge, and is therefore to be deferred to and can exercise power out of that base, and abuse power in the same kinds of ways but from a different perspective.<sup>71</sup>

Survivors told us about the power and authority wielded over them by perpetrators who were people in religious ministry, including priests. ‘Martina’ told us in a private session that as a young child in the 1950s she was forced to endure sexual abuse by her Catholic parish priest in Sydney because he threatened her with eternal damnation if she did not comply:

I had to do it. If I didn’t he [the priest] was going to tell God and God’s going to send the devil to come and get me and take me into hell where I’m going to burn because I was very naughty.<sup>72</sup>

‘Mathilda’ told us in a private session that she grew up in New South Wales and was sexually abused by Catholic priest ‘Father Paul Raymond’ in the late 1970s. She said that ‘Father Raymond’ made himself indispensable to her religious family and that everyone told her that her family would fall apart without him. She told us that ‘Father Raymond’ took every opportunity to abuse her, either in the family’s swimming pool or ‘lying behind me under a blanket, my brothers and sisters also being there’. ‘Mathilda’ said that the religiosity of ‘Father Raymond’ prevented her from stopping the abuse: ‘He was very powerful ... at school and church ... priests were the next step down from God. So they were all-powerful and special. So that was very much with me.’<sup>73</sup>

We also heard about perpetrators in positions of leadership or authority in various religious institutions who were held in high esteem in both the institution and the community.

One survivor of abuse by a Salvation Army officer told us in a private session about the respect afforded to officers and to The Salvation Army more generally. 'Ambrose' told us that he was sexually abused by a new officer who had just finished his training. He told us that, when he was 14 years old, this new officer sexually molested and raped him on multiple occasions at his church in Western Australia in the early 1960s. When 'Ambrose' tried to report the abuse, no one would believe him. He told the divisional commander, the police and his parents, and 'no one wanted to listen and do anything'. 'Ambrose' believed it was because of the high regard everyone had for the perpetrator, both in the community and the church. He told us: 'It's funny, you know, everyone thinks that a minister of religion is pure. You can't touch 'em, kind of thing'.<sup>74</sup>

Pentecostal churches emphasise a charismatic form of leadership.<sup>75</sup> During *Case Study 55: Institutional review of Australian Christian Churches and affiliated Pentecostal churches*, we heard that pastors can have significant influence on the members of their congregation. Pastor Sean Stanton, National Secretary/Treasurer of the Australian Christian Churches, gave evidence that he agreed the influence of the minister or pastor is very evident and that congregations are loyal to a particular person, perhaps more so than in many other churches.<sup>76</sup>

AHA told us in *Case Study 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse* that his mother was 'heavily involved' with the Assemblies of God (now called the Australian Christian Churches) and that 'the Houstons', including Pastor Frank Houston, were considered to be 'almost like royalty' among the parishioners.<sup>77</sup> AHA gave evidence that Frank Houston sexually abused him when he stayed at AHA's home in New South Wales in the 1970s and at church meetings that AHA's family also attended.<sup>78</sup>

The Jehovah's Witness organisation teaches that being in subjection to Jehovah is essential, and that it is important to observe 'male headship' (the 'headship principle'). The 'headship principle' accepted by Jehovah's Witnesses is that 'the head of every man is the Christ, in turn the head of a woman is the man'.<sup>79</sup> There is a strict patriarchal authority structure within the Jehovah's Witness organisation, where men hold positions of authority within congregations and headship in the family. Women are expected to defer to the authority of their husbands, and children are taught to obey their parents.<sup>80</sup> In the *Jehovah's Witnesses* case study, BCB gave evidence that she was sexually abused by Mr Bill Neill, a 'respected' elder in Western Australia. BCB said she felt that Mr Neill's position as an elder contributed to his power over her. 'But I had also come to fear him', she told us. 'Because of his position as an elder, I felt that I couldn't tell anyone about what he was doing to me.'<sup>81</sup> BCB said she told an acquaintance, BCF, that Mr Neill had sexually abused her. She believes that BCF then told other members of the congregation, as a week later she was approached by a young elder to speak to him about the abuse. BCB told us that, even after she had disclosed the abuse and asked to change Bible study groups, she was still expected to attend Bible study held at Mr Neill's house.<sup>82</sup>

Some survivors told us that perpetrators used God's name to prevent victims from disclosing sexual abuse. Other survivors told us that when they did disclose abuse, they were not believed because of the high esteem in which people in religious ministry were held. Chapter 10 discusses the impacts on victims of experiencing child sexual abuse in religious institutions. We heard those impacts were particularly profound for those abused by people in religious ministry. Chapter 11 discusses barriers to disclosure for victims of abuse, including particular barriers in cases where the perpetrator was a person in religious ministry

Part D, 'Institutional responses to child sexual abuse in religious institutions', considers factors that may have contributed to the occurrence of child sexual abuse and to inadequate institutional responses, including a consideration of clericalism in the Catholic Church (Section 13.11.3) and the Anglican Church (Section 12.6, 'Contributing factors in the Anglican Church').

In Chapter 20, we recommend that religious institutions provide age-appropriate prevention education to children in their care. This 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 or to make them feel unsafe.

### 9.3 Access of people in religious ministry to children

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Mostly I hold the institution of the Catholic Church responsible. They afforded not only protection to paedophiles, but they enabled them to gain access to generations of victims and in some cases form networks to facilitate this. Protected by the shield of their cloth, they raped and abused children, and no one would or could protect these children. Families held these abusers up as people to be admired and respected.<sup>83</sup>

**Private session, daughter of survivor, 'Becky'**

During our inquiry we learned that a person in religious ministry's access to children was closely connected to their revered status. In public hearings and private sessions we heard that people in religious ministry often had unfettered access to children. In some cases, this was due to the trust and respect afforded to them. In other cases it was a consequence of the institution they worked in, for example a school or a residential institution housing children.

The status of perpetrators as a significant factor providing them access to children was referred to during the sentencing in 2016 of a former Catholic priest for child sexual offences. The sentencing judge noted:

one of the insidious aspects of sexual abuse of children by adults, especially people in authority, that is, that they can act as they do, in secret, whilst to the outside world, the adult world, they are respected and trusted. It is that trust and respect which gives them

access to vulnerable children, the vulnerable children they abuse, and makes it so hard for the children to complain, and to believe their word will be believed, against that of such a respected adult.<sup>84</sup>

Commissioned research suggested that, while perpetration of child sexual abuse was not restricted to people holding specific roles within religious institutions, members of the clergy often had greater access to and authority over children than staff who were not clergy.<sup>85</sup>

We heard that some children even experienced sexual abuse in their own family homes perpetrated by people in religious ministry. In some cases this abuse was at the hands of Catholic priests who had unique access to children due to the trust and respect afforded to them.

Our analysis of claims data provided by Catholic Church authorities in Australia suggested that priests had a high level of access to children in their family homes. Of all claims related to alleged child sexual abuse that occurred in the claimant's home, 76 per cent involved a priest.<sup>86</sup> Further, of all claims that identified an alleged perpetrator who was a priest, 11 per cent related to alleged abuse in the claimant's home.<sup>87</sup> This was higher than in claims relating to other types of alleged perpetrators – only 1 per cent of claims that identified a religious brother as an alleged perpetrator related to alleged abuse in the claimant's home, and 5 per cent of claims that identified a lay person as an alleged perpetrator related to alleged abuse in the claimant's home.<sup>88</sup>

We heard that the status of priests gave them access to personal family spaces in a way that other professionals would not normally receive. The pastoral care role played by priests also meant that they were involved in discussing personal or intimate matters with parishioners, sometimes in family homes. This led to a blurring of boundaries between the professional and personal realms, and also created opportunities for perpetrators to access children.

Dr Robinson, while giving evidence in the *Institutional review of Catholic Church authorities* hearing, discussed the unique access that priests have had to family homes:

they are the only group ... who can go into a home uninvited. I can't. A GP can't. Nobody else can. But when somebody dies or somebody divorces or there's a tragedy in the family, priests can be in there within minutes, or clergy people can ... So that also explains how clergy have access to vulnerable children and adults much earlier than anyone else.<sup>89</sup>

This unique access was evident in the case of the 2016 sentencing of a former Catholic priest, mentioned above. The sentencing judge described the ready access that the priest had to family homes and the trust afforded to him by religious families. This included one occasion when the priest visited the home of a Catholic family whose son had died in a car accident. On the pretext of offering pastoral care to the parents, the priest sexually abused their other son in his bedroom. The sentencing judge said:

You visited the family to offer condolences or pastoral care. You took him into a room on his own, sat him on your knee, put your arm around him and stroked and caressed him, telling him it was all right to cry. You then began to stroke his inner thigh, tickling him then fondling his penis and testicles until he got off your knee and went to look for his mother.<sup>90</sup>

'Eleanor' told us in a private session that a new young priest arrived in her small New South Wales town in the early 1960s. She said that 'Father McDonagh' was charismatic and 'groovy', and soon befriended her lonely mother. He became a regular fixture in the house, taking his place on the couch after dinner while the children watched television and putting his arm around 'Eleanor'. 'Eleanor' told us that after gaining the family's trust, 'Father McDonagh', was able to have private access to her. 'Eleanor' told us that 'Father McDonagh' began visiting her room after she had gone to bed and sexually abusing her, while the family, she guessed, thought he was 'saying prayers'. This continued for a number of years.<sup>91</sup>

Survivors told us in private sessions about the various ways in which people in religious ministry had access to children in religious families. As discussed in Chapter 8, we heard that children experienced sexual abuse during a range of religious or recreational activities, and during travel to and from such activities. We heard that devout families held people in religious ministry in such high regard that often they allowed their children to take part in such activities without parental supervision. Some survivors told us that they were permitted or encouraged by their parents to spend time alone with people in religious ministry. We heard that some parents actively encouraged their children to become involved in church activities, particularly as altar boys. In addition, some children were alone with priests during religious confession, as discussed in Section 9.6.1 below.

'Julian' told us in a private session that when he was a 10-year-old altar boy in the late 1950s in Sydney, the assistant Catholic priest 'Father O'Brien' began to sexually abuse him, sometimes in a bedroom in the family home. 'Julian' said that 'Father O'Brien' successfully insinuated himself into the family home, giving him lifts to and from altar boy practice and taking him out bushwalking and swimming over a period of years. His parents thought the priest was wonderful and were grateful for the lifts and outings, 'Julian' said. 'I mean, every time I was with him, he was fondling me ... He [Father O'Brien] indicated that I had some sort of a problem and that he was assisting me with it.'<sup>92</sup>

Another survivor, 'Winnie', told us that her father died when she was nine. Soon afterwards, her mother decided to become a minister in The Salvation Army, which absorbed her completely. When 'Winnie' was 13, her mother took up a post as assistant to 'Major Whitfield'. He and his wife had four children, and 'Winnie' became their regular babysitter. 'Winnie's' mother encouraged her to spend time with 'Major Whitfield', telling her she had to go on the early morning walks he invited her on. 'Winnie' told us that those walks became occasions for frequent sexual abuse. 'Winnie' said that when she was 15, her mother sent her to live with 'Major Whitfield's' family for six months, and that this gave 'Major Whitfield' plenty of opportunity to continue to sexually abuse 'Winnie'.<sup>93</sup>



‘Nicole’ told us in a private session that in the late 1970s, when she was 11, a new student minister, ‘Cole Guthrie’, was appointed at her Presbyterian church in Sydney. Her parents were often at the church for meetings and other commitments, so ‘Nicole’ spent a lot of time waiting around for them on her own. ‘Guthrie’, she told us, ‘just would happen to be at the church and I’d be outside weeding or whatever I was supposed to be doing ... [he] had access to me three or four times a week – he became my best friend’. Trusting ‘Guthrie’ to look after and mentor ‘Nicole’, her parents were ‘thankful for what they assumed was his attention to my spiritual growth’, she said. But over the next year and a half, ‘Nicole’ told us that ‘Guthrie’ sexually abused her during the times they were alone.<sup>94</sup>

We also heard that perpetrators often groomed children and their family members in order to gain access to children in private spaces or in unsupervised situations. Grooming tactics are discussed in Section 9.4 below.

In some cases, we heard that perpetrators who were people in religious ministry had access to children as a consequence of the institution they worked in, for example a school or a residential institution. We heard that perpetrators of sexual abuse in residential institutions faced few barriers to obtaining unsupervised access to children, and that boarding schools were also particularly high-risk environments. In particular, we heard from many survivors of child sexual abuse in residential institutions and schools managed by Catholic religious brothers.

The nature and extent of child sexual abuse in these contexts, and perpetrators’ access to children in these environments, are discussed in Chapter 8.

Professor Neil Ormerod, Professor of Theology at the Australian Catholic University, commenting on the Catholic Church claims data referred to above, told us that those perpetrators who had the greatest access to vulnerable children had the highest numbers of claims of abuse:

If you look at religious orders, in particular the male religious orders, it’s very clear that a lot of that is about access to vulnerable people. Those who have the greatest access to the people who are most vulnerable are the ones who are abusing at the highest rate.<sup>95</sup>

Professor Ormerod highlighted that the St John of God Brothers, who ran facilities for children with mental and physical disabilities, had a very high proportion of alleged perpetrators of sexual abuse.<sup>96</sup>

## 9.4 Grooming by people in religious ministry

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[It was] almost textbook. There was a real patience there as well and a deviousness ... in the way the family was rounded up.<sup>97</sup>

**Private session, 'Lennon'**

We bear the deep scars, resentment and bitterness, having to ponder the fact a predator groomed us and entered into our inner family sanctum where we thought our children were safe and secure.<sup>98</sup>

**Private session, 'Vince' ('Lennon's' father)**

Child sexual abuse is considered by the Royal Commission to include grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity with the child. A range of behaviours may be considered grooming, such as behaviours that manipulate and control a child, as well as their family and other support networks. Grooming may also target an institution with the intent of gaining access to the child. An essential aim of the grooming process is to obtain the child's compliance, maintain their silence and/or avoid discovery of the abuse.<sup>99</sup>

Grooming can target a child and/or the people who would otherwise protect or support a child. There is no one method of grooming a child, and the grooming of children is often a complex and incremental process.<sup>100</sup> Each victim's experience is different, and perpetrators have used a range of methods to groom children in order to sexually abuse them. Some perpetrators of child sexual abuse may initially use affirming and desensitising grooming strategies, but may become coercive if these strategies are not successful.<sup>101</sup> Grooming and coercion are discussed in detail in Volume 2, *Nature and cause*.

We heard that many of the ways in which perpetrators groomed children and their families were similar, regardless of whether the perpetrator was from a religious institution or another type of institution. In the case of child sexual abuse in religious institutions, however, grooming was often undertaken in a context where the perpetrators were people in positions that were afforded a particularly high level of respect and trust. Grooming techniques undertaken by perpetrators who were people in religious ministry were often closely linked to their status in religious communities and their close relationships with families and children.

### 9.4.1 Grooming of victims

Survivors of child sexual abuse told us about abuse in a range of religious institutions. Many told us that they were groomed, particularly where the abuse occurred in a school or was perpetrated by a person in religious ministry. We did not hear about grooming as frequently from survivors of abuse in residential institutions, possibly because perpetrators in that context often already had a high degree of unsupervised access to children.

Grooming can involve a combination of promises and inducements, making the victim feel complicit in the crime, and promoting a sense of shame to prevent disclosure of the abuse.<sup>102</sup> Research identified that bribery and enticements may be used as facilitators in the time leading up to the onset of abuse.<sup>103</sup> In private sessions, survivors of child sexual abuse in religious institutions told us they were given privileges or rewards as inducements to submit to sexual abuse.

In private sessions, we heard from four brothers who told us they were sexually abused over many years in the 1960s and 1970s by their 'Uncle Geoff', who was a Catholic priest. We were told that the setting for the abuse was the same for all of the 'Peterson' boys. They said that from a very young age they spent part of their holidays at the presbytery where 'Geoff' lived. They told us that in many ways it was a fun time, with 'Geoff' giving them cigarettes and alcohol and letting them drive his car. But at the same time he subjected them to a regime of sexual abuse. Eventually the abuse became normalised. 'It was just what we did when we went to 'Geoff's' ... and we were told that this is normal and lots of people do this', said 'Mark Peterson', the youngest of the brothers. The oldest brother, 'Luke', told us that 'Geoff' was 'psychopathic, there's no doubt about that. He would have sex with us four or five times a day – before mass, after mass, it was all planned'.<sup>104</sup>

Another survivor, 'Lucas Michael', told us in a private session that when he was 15, 'Father Maher', his dormitory master at a Salesian boarding school in Victoria in the 1980s, gave him 'special treatment'. 'Lucas Michael' told us that 'Father Maher' gave him biscuits in his private office, as well as alcohol and cigarettes after lights out. This grooming continued for a few months, and one evening, after they both drank a lot of scotch, it progressed to sexual abuse.<sup>105</sup>

'Elliot Joseph' told us in a private session that he experienced sexual abuse during camping trips when he had to share a tent with 'Jim Wright', the assistant pastor and youth leader from his evangelical church in Queensland in the early 1970s. 'Elliot Joseph' told us that:

[ 'Wright' would] buy us presents for birthdays and Christmas. Most of the time these presents would be better than the presents our parents would buy us ... He groomed my parents as well. That's what really, really got me. The fact that he sucked us all in. And he was doing this and he would still sit up there on a Sunday and have lunch with my mother and father.<sup>106</sup>

An important part of the grooming process we heard about was the emotional connection that perpetrators developed with victims in order to make them feel special, or complicit in the abuse. In some cases survivors told us about perpetrators who indicated that they had been chosen by God. 'Rebecca' told us in a private session that she was taught as a young Catholic that 'the clergy are actually divine in the sense that they are chosen by God, they are the embodiment of God'. 'Rebecca' told us that when her uncle, who was also a priest, started sexually abusing her in the early 1980s she thought that 'maybe God had chosen me for something special'. It was not until 'Rebecca' was in Year 8 that she realised that what was happening was a crime. She told us that the sexual abuse started when she was 10 years old and continued until she finished high school.<sup>107</sup>

'Pat', who was born in the late 1930s, told us in a private session that he was sexually abused until his early 20s by 'Reverend John Riley'. 'Pat' said it began in his early teens when his devout Anglican mother offered 'Reverend Riley' her spare room on the odd Sundays he visited their small Tasmanian town. 'Pat' told us that he can see now that 'Reverend Riley' groomed him from the start, flattering him, singling him out and giving him special gifts. 'Because of the man's charm ... he made me feel valued. And that was terribly important to me.' 'Pat' said that when 'Reverend Riley' coaxed him into the double bed from his single bed in the corner, 'Pat' enjoyed the feeling of cuddling up to a warm body. However, 'Pat' told us he was conscious that 'there was something not quite natural about it. Again, looking back, this was the really manipulative behaviour – he used to say things like, "This is so nice being together, isn't it? Do you like this?" Yes I did. And we'd cuddle up even closer. And he said, "This is our secret. You must never tell anybody"'.<sup>108</sup>

We heard that encouraging a sense of complicity sometimes involved an increase in physical closeness between the perpetrator and the child. In a letter tendered in evidence during the *Catholic Church authorities in Ballarat* case study, Brother Edward Dowlan explained how he overcame children's resistance in schools by engaging in grooming behaviour:

I would spend some time trying to break down the barriers of the teacher-student relationship. Once I felt that I had been accepted, I would then try to get closer by putting my hand on their shoulder, giving them a hug, patting them on the thigh or the backside. As well as these physical things I would also verbalise my feelings towards them by telling them that they were a sensation, that they were doing great work and that in some cases that I loved them ...

After the initial groundwork had been done and I thought I had got the victim's trust I would then seek a chance to get them alone. Once I had them alone, I would use such excuses as, 'Looking at some work' or 'Having to correct them over some misdemeanour' to get close to them. I would again use some of the physical or verbal responses already mentioned before beginning to abuse them. I believe that the above would be a fairly accurate account of how I groomed and targeted my victims.<sup>109</sup>

We also heard about the extent to which some perpetrators went to entice children in order to obtain access to them for the purposes of abuse. In an interview with Catholic Church Insurance Limited (CCI) in 1994, convicted paedophile Gerald Ridsdale described himself as being 'out of control' during his time as a parish priest in Inglewood, Victoria, in the 1970s.<sup>110</sup> He did not have an assistant priest and lived alone in the presbytery.<sup>111</sup> He said that he had a pool table, and acknowledged it was 'the trap' for young boys. He told CCI investigators:

it was just known that anyone who wanted to come was welcome to come and play pool. There is no sense in pretending I suppose, because if there was any kind of good motive about it being a drop-in centre, but it was the trap.<sup>112</sup>

Grooming of victims is discussed further in Volume 2, *Nature and cause*, and the impacts of grooming on victims are discussed in Volume 3, *Impacts*.

## 9.4.2 Grooming of families

Grooming of families also reduced the capacity for children to disclose that they were being sexually abused, or to be believed if they did disclose. While people in religious ministry had a certain level of access to children by virtue of their status, we heard that perpetrators often groomed or manipulated children's family members in order to increase trust and ensure access to children. As discussed in Section 9.3 above, in some cases this included gaining access to children in private spaces such as family homes, or in other unsupervised situations.

Commissioned research suggested that religious families often saw relationships with religious institutions as being akin to having a big family, often not making a distinction between where their biological family ended and the broader church community began. Researchers concluded that establishing such strong bonds could be an important aspect of social connection for families that lacked other family support.<sup>113</sup> However, we heard of instances where such relationships were exploited by perpetrators who were people in religious ministry.

We heard that, often, children were sexually abused by perpetrators who were people in religious ministry after they groomed the child's family members by becoming closely involved in family life. Survivors commonly told us of perpetrators who ingratiated themselves into the family and became regular visitors to their home. Sometimes perpetrators stepped into the role of 'father figure', or exploited particularly vulnerable families.

In the *Catholic Church authorities in Ballarat* case study, Mr Paul Levey and his mother, Mrs Beverley Levey, gave evidence about Mr Levey being sexually abused by Father Gerald Ridsdale.<sup>114</sup>

Mrs Levey told us that she had grown up as a strict Catholic and she had taught her son to respect priests. She gave evidence that:

Gerry [Ridsdale] became a family friend – he often visited the family home, usually on a weekly basis and picked Paul up from school every now and then. Gerry would take him on different outings, including to the pictures and the zoo.<sup>115</sup>

Mrs Levey gave evidence that she and her husband separated in 1980, and that her son started misbehaving and not attending school. Mrs Levey told us:

Throughout this time [of the separation], Gerry continued to see Paul and used to take him away on weekends ... I thought it was great that Paul was spending time with Gerry since his father was not around.<sup>116</sup>

We heard that Ridsdale told Mrs Levey that her son had not been attending school. Mrs Levey gave evidence that her ex-husband told her Ridsdale had offered to take her son to live with him at the presbytery at Mortlake in Victoria, where Ridsdale was serving as the parish priest. Mr Levey gave evidence that, during his six-month stay, Ridsdale sexually abused him nearly every day: 'I had my own bedroom at the presbytery, but that was a front. I always slept in Ridsdale's room where there [were] two beds. No one else lived in the presbytery'.<sup>117</sup>

In *Case Study 35: Catholic Archdiocese of Melbourne (Catholic Archdiocese of Melbourne)*, survivor BTU told us that, during the late 1960s, he and his family were groomed by Father Ronald Pickering, who was parish priest at the East St Kilda parish in Victoria. BTU gave evidence that:

He made me feel dependent upon him, he would give out lollies and very much made himself a pleasant person. He wanted all the altar boys to call him uncle. He also came to our family home ... for dinner quite regularly and attended events with my mother. They shared an interest in classical music. He would take us all out to the pictures and made himself part of the family.<sup>118</sup>

BTU told us that Father Pickering asked him to become an altar boy and assist him at Sunday masses, weddings, baptisms and funerals. He said that when he would assist Father Pickering around the presbytery or after altar serving, 'I would always have to accompany Father Pickering to his bedroom in the presbytery for some reason'. BTU gave evidence that when he went to Father Pickering's bedroom, Father Pickering would sexually abuse him, and that this would happen 'once or twice each weekend whilst I was with him'.<sup>119</sup>

'Carl Robert' told us in a private session about his local Catholic priest, 'Father Mackenzie', who used his prestige as a priest to groom 'Carl Robert's' family and overcome barriers to access:

This was a man who was taken into our home and loved, because he seemed to be quite interested in us – cared about us. He even became chummy with Dad and got Dad's trust,

you know, where Dad said ‘Well, I’m working away a lot. It’s good that the boys have got someone they can talk to’ ... He groomed the whole family.<sup>120</sup>

‘Carl Robert’ told us that he and his younger brother ‘Joey’ spent many afternoons doing jobs for ‘Father Mackenzie’. Their family did not have much money so they appreciated the treats he rewarded them with. He let them play on his computer. He gave them ice-cream which they thought tasted a little funny, but ‘Father Mackenzie’ explained that he had to buy a special kind because he was diabetic. He encouraged them to lie down if they felt tired – and they often did – though always on top of the bed, not under the blankets. ‘Carl Robert’ told us that eventually, after many years, he realised that ‘Father Mackenzie’ had been drugging him and raping him while he slept.<sup>121</sup>

‘Gregory John’ told us in a private session that between the ages of 12 and 16 he was sexually abused multiple times by ‘Timothy Stephens’, a teacher at his Anglican school in Perth. ‘Stephens’ had become close to ‘Gregory John’s’ family over that time – so much so that when his parents travelled for work, they left ‘Gregory John’ and his sister in the care of ‘Stephens’. ‘Gregory John’ told us that ‘Stephens’ would use these occasional stays as an opportunity to sexually abuse him, and that he would also sexually abuse him at school and on school camps. ‘Gregory John’ told us the abuse came to an end when he finished school in the early 1990s. When he disclosed the abuse to his parents at age 18, ‘Gregory John’ said:

It really hurt my parents. Clearly they felt not only betrayed but also that they’d let me down. From my perspective they hadn’t. This fellow, he just basically did a spectacular job of grooming and made himself a friend of the family.<sup>122</sup>

We also heard about some people in religious ministry perpetrating child sexual abuse while maintaining long-term involvement with the victims and their families, including after the children became adults. For example, we heard that some priests who were perpetrators had ongoing interactions with their victims at subsequent family weddings, christenings and funerals.

In *Case Study 16: The Melbourne Response*, we heard about a case of grooming and abuse across generations. Mr Paul Hersbach gave evidence that he was sexually abused for a number of years up to the age of 11 by Father Victor Rubeo, who had a close relationship with Mr Paul Hersbach’s family, in the 1980s.<sup>123</sup> When he was 16 years old, Mr Paul Hersbach went on a group trip to Africa with the priest. He recalled: ‘My parents have since told me that they could not find the strength at the time to say no to us, nor to Father Rubeo’. A few months after they returned, Mr Paul Hersbach said that his father, Tony, told him that he [Tony] had been sexually abused by Father Rubeo when he was a child.<sup>124</sup> Mr Paul Hersbach gave evidence that:

I remember feeling numb at the time. I struggled for many years to understand why Father Rubeo had been able to continue to be a part of our lives, and why my father was unable to say no to him ... At the time I did not identify myself as a victim ... For all the things that Father Rubeo did to me, the worst by far was robbing a young boy of his father.<sup>125</sup>



Mr Tony Hersbach had been an altar boy in the 1960s. He attended school at St Mary's in Altona, Victoria, where Father Rubeo was a priest. We heard that both Mr Tony Hersbach and his twin brother were groomed and sexually abused by Father Rubeo and that Mr Tony Hersbach experienced the abuse over a period of about eight years, from when he was about 10 years old. Even after Mr Tony Hersbach was married, Father Rubeo remained a large part of the family's life. We heard that he was present at every family event, officiated at christenings and went on holidays with the family.<sup>126</sup> Mr Paul Hersbach gave evidence that Father Rubeo effectively 'took over the running of the family and behaved like he was in charge', and that he and his siblings would call Father Rubeo 'Gramps'.<sup>127</sup>

We heard that grooming a family was often easier when the family was in a vulnerable situation. Some survivors told us about perpetrators who targeted families experiencing hardship – such as illness, bereavement or relationship problems – or families with an absent parent or a lack of support. People in religious ministry often had a role of providing pastoral care to children, or were in a position to provide general support, care or mentoring for children. We heard that many families welcomed people in religious ministry taking on these roles. In some cases, perpetrators exploited such situations.

In a private session, 'Adrienne' told us that her son, 'Caleb', was 13 years old when he was groomed by the Catholic parish priest, 'Father Kenneth Stavros', in the mid-2000s. At the time, 'Adrienne' and her then partner were separating, and it was a difficult time for the family. She and 'Caleb' accepted the kindness and support of 'Father Stavros'. It was only after several months of seeing 'Caleb' off to help 'Father Stavros' with parish work that 'Adrienne' started to question their connection. She asked 'Caleb' what was happening and he told her about his 'relationship' with 'Father Stavros' and that the priest had been texting him, had touched him, and had asked 'Caleb' to massage him. 'Adrienne' immediately took 'Caleb' and her other children away from the parish to stay with extended family.<sup>128</sup>

Sisters 'Laurel' and 'Liana' told us in private sessions that in the mid-1960s, when their mother separated from their father, they moved to a small New South Wales coastal town. 'Father Holmes', the local Catholic priest, introduced himself, and later ingratiated himself into their lives by staying for evening meals, and coming over on Friday nights for card games. 'Father Holmes' stepped into the role of their father. They told us that it was not until they were in their 50s that they realised that he had been sexually abusing both of them. Neither had ever discussed how 'Father Holmes' had sexually abused them in their home, at church and 'in so many places', 'Laurel' told us. She said she was devastated when she found 'Liana' had been abused, because 'Father Holmes' 'had said to me that if I let him do things to me, that he would never touch Liana'.<sup>129</sup>

Some survivors told us they were sexually abused by people in religious ministry after the death of a family member, when they and their parents were grieving and particularly vulnerable.

In the *Catholic Archdiocese of Melbourne* case study we heard about four brothers who alleged child sexual abuse by parish priest Father Wilfred Baker in the late 1960s in Melbourne, Victoria. The police statements of the brothers were tendered into evidence during the public hearing.<sup>130</sup> We heard that Father Baker had inserted himself into their family shortly after the death of their father in a car accident. Father Baker celebrated the mass at their father's funeral and then began attending the family home, where the abuse took place.<sup>131</sup> One brother stated: 'I look back now and in hindsight it was like once the guardian was gone, he zeroed in'.<sup>132</sup> Another brother recalled:

He would come around for dinner about once a week and Mum would cook him a meal and he would bring around a bottle of wine. I remember he always used to sit at the head of the table and undo his pants. I remember at the time Mum was crying a lot, grieving for my father ... [Father Baker] would put us to bed and then come back later when we were asleep and get into bed with us. He would make me take my clothes off and he would take his coat and pants off and climb into bed with me.<sup>133</sup>

...

His hand would straight away go to my bottom and he would pat my bottom. I recall on occasions he would grab hold of my penis and rub his hands around my genitals. He was never there in the morning when we woke up. Sometimes I would wake up after he had been without my pyjama bottoms on. I would wake up with pain in my anus.<sup>134</sup>

Grooming is discussed further in Volume 2, *Nature and cause*, and the impacts of grooming are discussed in Volume 3, *Impacts*. In Chapter 20 of this volume, we outline how increased prevention education for parents can help protect children from sexual abuse.

## 9.5 The use of blame and threats by people in religious ministry

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[He'd say], 'The Devil will get you, you will go to hell, you are a naughty boy for the things you are doing, so don't tell anyone ... Those things made me very, very frightened, as I was young at the time, and they were effective in silencing me until very recently'.<sup>135</sup>

**Private session, 'Clinton Gregory'**

We heard from survivors of child sexual abuse in religious institutions that they were blamed for the abuse or told that they deserved it. Survivors also told us that perpetrators used threats with religious overtones, including the threat of eternal damnation. In a religious context, the use of threats and blame in the name of God had a powerful effect on children. They served to instil fear, which both enabled sexual abuse and helped to ensure that children would not disclose it.

## 9.5.1 Children who were blamed or made to feel responsible for abuse

Survivors from a range of religious backgrounds told us about being blamed or made to feel responsible for the sexual abuse they experienced. We heard that, often, this involved religious overtones or references. Some perpetrators used God or religion to justify the abuse.

In the *Catholic Church authorities in Ballarat* case study, Mr Stephen Woods gave evidence that, when he attended St Alipius Boys' school in Ballarat East in the early 1970s, the religious brother who sexually abused him called him evil and made him feel responsible for the abuse. Mr Woods gave evidence that his school principal Brother Robert Best made him and another 12-year-old boy strip naked and 'enact a sexual act in front of him'. Mr Woods said: 'We had to rub up against each other and Best knelt down to see if we got an erection. He was playing with our genitals through our underpants while he did that'.<sup>136</sup> Mr Woods gave evidence that Brother Best dismissed the other boy and then told Mr Woods that 'I was bad, that I was evil and that I deserved what he did to me. He said, "This is your fault". I heard these words from him over and over and over'.<sup>137</sup>

'Gaby Anne' told us during a private session that she was sexually abused as a teenager by a young married pastor, 'Fred Wheeler', who led her local Assemblies of God church youth group. 'Wheeler' abused 'Gaby Anne' in his car. When the car was later hit by another vehicle, he blamed 'Gaby Anne', saying: 'That's because God's angry at you and so he's punished me'. He took to calling 'Gaby Anne' an 'evil Jezebel' and showed her the scripture where Jesus told the prostitute 'Go your way and sin no more'. She told us that 'Wheeler' said: 'That's what God wants you to know'. 'Gaby Anne' said that even after 'Wheeler' physically assaulted her in addition to the sexual abuse, she still did not disclose the abuse because she believed it was her fault.<sup>138</sup>

In a private session, 'Erica' told us that that she was sexually abused at her Catholic primary school in Melbourne in the 1970s by 'Sister Bridget'. 'Erica' told us that the religious sister used to make her stay in the classroom during recess, and that on many of these occasions the religious sister would pull the blinds down and 'put me on her lap and touch me. And I had to touch her. She always told me that I was an evil child. She said I was a naughty child and I needed to be punished'. 'Erica' said that, as the abuse continued, she started to believe that she was wicked. She told us that this prevented her from disclosing to anyone that she was being abused. 'I was just scared because I thought I'd go to hell. And even now I still feel that way'.<sup>139</sup>

'Stewart Andrew' told us in a private session about the particularly violent abuse he experienced when he attended a school run by the Christian Brothers in Victoria in the late 1960s. He told us about an occasion when he suffered an asthma attack and 'Brother Francis' took him into the changing room and raped him. 'Stewart Andrew' said 'Brother Francis' tore out his pubic hair with his teeth and then blamed him for the abuse and told him that God was punishing him. 'Stewart Andrew' could not understand what he had done to offend God. He pulled out his remaining pubic hair, thinking this might act as some sort of protection because

'Brother Francis' had been so preoccupied with it during the assault. 'Stewart Andrew' told us that he considered cutting off his own penis as penance after 'Brother Francis' raped him a second time, to avoid further punishment from God.<sup>140</sup>

'Piers' told us in a private session that he was sexually abused by 'Brother Delaney' at a Salesian boarding school in Victoria in the mid-1960s. He said that 'Brother Delaney' would come to his dormitory at night and molest him. 'Piers' told us that, 'As far as I can remember it started with him just talking to me, sitting on the bed ... Eventually he managed to get me to have an erection. And then he told me that that was my evil, and that that was the devil that was doing and causing that reaction. As though it had nothing to do with what he was doing.'<sup>141</sup>

We commonly heard from survivors of child sexual abuse in residential institutions, particularly those operated by religious sisters, that children were accused of being evil or devilish. As discussed in Chapter 8, we heard that children in residential institutions often experienced sexual abuse in a broader context of physical abuse, harsh discipline, fear and deprivation.

In the *St Joseph's Orphanage, Neerkol* case study, AYN gave evidence that the religious sisters at the orphanage treated children brutally, and told boys their penis was 'the devil':

The nuns were savage and brutal to us. How can you learn anything when you are being beaten all the time? By the time I was 12 years old, the nuns gave up completely on trying to teach me. Instead, I was made to sit outside on the verandah and would make baskets. They just put me out there and left me there. The sisters would sell the baskets to raise money for the school, or would use them to throw rubbish in. Around the same time, two of the nuns hit me numerous times around my legs and penis with sticks or rulers. They would tell us that our penis was the devil, that it was wicked and that it was evil.<sup>142</sup>

'Lydia', who grew up in a Catholic orphanage in Victoria in the 1950s, told us in a private session that she suffered years of physical, psychological and sexual abuse. She told us that because she suffered from epilepsy, the religious sisters singled her out for abuse. After being diagnosed at the age of nine, 'Lydia' described the religious sisters' response to her condition as 'medieval':

In their eyes I would have been a manifestation of the devil itself. The frothing of the mouth represented the demons, and I was bashed violently after I had fits ... dragged by the hair into the toilet, and my head shoved down toilets, and then brought up and the head was sort of bashed from side to side with the hand, and repeatedly saying, 'You're a devil, you're a filthy pig'.<sup>143</sup>

Survivors also told us that they were blamed, punished or further abused when they disclosed sexual abuse to adults in religious institutions. This is discussed further in Chapter 11.

'Brian John' told us during a private session that he was sexually abused in a Salvation Army boys' home in Victoria in the 1950s. He said the worst offender in the home was an officer named 'Gregson', who raped him. He told us that though every boy at the home suffered some form of abuse, none of the children spoke about it. 'Brian John' believes the children were too ashamed. He said:

It was as though you weren't the victim. You were the one that caused the problem, is the way it was instilled into our brain ... by the officers. 'It's your fault. You made me do this. You forced me to do this'.<sup>144</sup>

'Brian John' told us that when he was 10, he summoned the courage to report 'Gregson's' behaviour to the manager of the home, 'Captain Munro'. He said that 'Captain Munro' flogged him with a wooden stake and, as he did so, said, 'filthy little brat. Only a brat like yourself would have the audacity to make those charges against a man of God'.<sup>145</sup>

### 9.5.2 Children who were threatened

Many survivors of child sexual abuse told us that perpetrators used threats to make them submit to the abuse, or to prevent them from disclosing it. Often these threats had religious overtones, including the threat of being sent to hell. For a religious child, such threats could be terrifying.

We heard about such threats during the *Catholic Church authorities in Ballarat* case study. One survivor, BAA, told us about abuse by a religious sister at St Alipius Girls' School in Ballarat, Victoria, in 1968:

I don't remember how long the incident of abuse lasted, but when she was done the nun took me off her lap and warned me that what had just happened was 'God's secret'. She told me, if I told anyone what had happened, I would go to hell.<sup>146</sup>

In the *Catholic Archdiocese of Melbourne* case study, BVD gave evidence that Father Peter Searson, the parish priest at Our Lady of Mount Carmel Parish, in Sunbury, Victoria, sexually abused him once a week for a six-month period in the 1970s. He said that Father Searson not only told him he deserved the abuse but also ensured his silence through threats:

There was no way I could tell anyone. Searson threatened me, saying I would go to hell if I told anyone, that the devil was punishing me for my sins and this is how he was doing it. That, if I told anyone, I'd be taken away from my family and sent to a child's camp. I was terrified.<sup>147</sup>

In the *St Joseph's Orphanage, Neerkol* case study we heard from Mr David Owen, a former state ward. Mr Owen gave evidence that Father John Anderson sexually abused him for years while he was at the orphanage.<sup>148</sup>

Mr Owen told us about being threatened with ‘the fires of hell’ if he did not obey:

On one occasion, I was held over the side of a bridge by Father Anderson and told he would drop me into the fires of hell if I didn’t do what he required me to do. On quite a number of occasions when I was sent to the presbytery and refused to obey, he would tell me that he was going to take me out and drop me into the fires of hell. After the incident on the bridge, I understood what this meant. I would succumb in fear and let him have his way with me. I complained to many of the nuns, including Sister Emilian, Assumpta, Aquinas, about my abuse by Father Anderson, and each time I was punished for being ‘evil’. On one such occasion, Sister Anslum also shaved my head in punishment.<sup>149</sup>

‘Maxwell’ told us in a private session that in the late 1970s he was sent to a special boarding school in New South Wales run by an order of Catholic brothers, because of behavioural and learning difficulties. ‘Maxwell’ said he was abused by many different perpetrators at the school. On one occasion, ‘Brother Clifford’, who was one of those abusing him, took ‘Maxwell’ and two other boys to the morgue:

‘Brother Clifford’ pulled out a dead body on a stainless steel like thing and he showed us this person. And he said, ‘This person is evil and they died of cancer, and they’re stuck here in eternal hell and they’re going to rot’ ... I was just looking at it and I was frightened and he said, ‘This is what’s going to happen to you if you don’t do everything we say’.<sup>150</sup>

‘Beatrice Jane’ was made a ward of the state in the mid-1960s. She told us in a private session that she was sent to a home run by the Presbyterian Church where she was sexually abused by an employee at the home and also by her cottage father. She told us the cottage father ‘used to say “If you don’t let me do this, you’re going to hell ... If you don’t let me do this, God will be angry with you” and being a Christian, well, I was frightened ... They were teaching about heaven and hell and ... I thought I’d better, because, you know, I don’t want to go down there’.<sup>151</sup>

‘Ella Grace’ and her brother were placed in an Anglican children’s home in Queensland in the mid-1960s, but they were separated and were not allowed to see one another. ‘Ella Grace’ told us in a private session that she would see other girls being led out of their dormitory at night by one of the nuns. She said, ‘You would hear the footsteps coming into the dorm and the nun would choose one of us girls’. ‘Ella Grace’ recalled being taken one night to the nun’s room and forced to sit on the bed, where the nun then sexually abused her. ‘Ella Grace’ said she was shocked and confused and did not know what was happening. She told us that afterwards the nun threatened that her brother would be punished if she told anyone about the abuse. ‘Ella Grace’ said, ‘I never told anyone and no one would believe me anyway. The nuns would often tell me I was a bad person’.<sup>152</sup>

In addition to the use of threats, we also heard that some perpetrators created barriers to the disclosure of sexual abuse by grooming and psychologically manipulating victims, as discussed in Chapter 11.

## 9.6 Child sexual abuse and religious practices or rituals

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At the end of [the abuse], he'd hear your confession or give you absolution, which I always thought was a bit strange ... That's why in all the years since then, I've never ever gone to confession because I think, oh well that was a lot of nonsense ... I said, 'Well, how can anyone absolve you from anything and turn around five minutes later and commit the same thing?' It's just a nonsense to me.<sup>153</sup>

**Private session, 'Earle'**

Some survivors of child sexual abuse by people in religious ministry told us that there were religious aspects to the way they were groomed or abused. In the Catholic and Anglican contexts, we heard about perpetrators misusing the practice of religious confession to facilitate abuse or to silence their victims. Survivors told us about child sexual abuse that involved the use of religious rituals, symbols or language. Some survivors described such experiences as amounting to a type of 'spiritual abuse', that profoundly damaged their religious beliefs and trust in their religious organisation.

### 9.6.1 The practice of religious confession

A 'religious confession' is a confession that a person makes to a member of the clergy in the member's professional capacity, according to the ritual of the church or religious denomination involved. As discussed in Section 13.11.10 of this volume, 'The sacrament of reconciliation', confession in the Catholic Church, is one aspect of what is referred to as the sacrament of reconciliation. Confession is also practised by the Orthodox churches and the Anglican, Lutheran and Uniting churches. In some of these churches, such as the Anglican and Uniting churches, confession occurs within the context of worship with a congregation, rather than individually to and in isolation with a member of the clergy.<sup>154</sup>

Archbishop Anthony Fisher OP, Catholic Archbishop of Sydney, explained the significance of confession in the Catholic Church during the *Institutional review of Catholic Church authorities* hearing:

When a Catholic comes to a priest to confess, they understand they're talking to God, and the priest is there to mediate that, to encourage that, to confirm that. But they think their conversation is to God. For a priest to repeat anything that has occurred during that confession would be a very serious breach of trust with them and contrary to our understanding of the sacrament.<sup>155</sup>



Survivors told us about experiencing sexual abuse as children in the confessional – a small, dedicated and private room at their Catholic Church. We also heard of some cases where a priest performed confession in other locations after abusing a child. This is discussed in Chapter 8. In the *Catholic Church authorities in Ballarat* case study, Mr Gordon Hill gave evidence that when he was at St Joseph’s Orphanage in Ballarat, Victoria, in the late 1940s and 1950s, the priest would make him sit beneath the padded bench in the confessional box, where he would sexually abuse Mr Hill as he listened to confessions:

He would pull me by my hair, rub me, and I had to play with his genitals while he listened to confession. If I made a noise as I was sitting beneath the priest’s bench in the confessional box, he would whack me across the face to shut me up.<sup>156</sup>

The ability to provide absolution for a person’s sins during confession is a key source of clerical power. We heard from a number of survivors that some priests misused this power to manipulate and control their victims – both by making them feel responsible for the abuse, and preventing them from disclosing it.

‘Maria’ told us in a private session about being a former child migrant and a very religious child who was a resident in a Sisters of Mercy orphanage in Western Australia in the 1960s. She said that the religious sisters made her clean the priest’s unit, which was part of the orphanage complex. ‘Maria’ said that after she had finished cleaning, the priest would sexually assault her and then make her go to confession and pray to God for forgiveness for her sins in making him abuse her. The priest threatened her by saying that if she tried to resist he would not give her communion the next time she attended mass.<sup>157</sup>

In the *St Joseph’s Orphanage, Neerkol* case study we heard that Father Reginald Durham made some of his victims confess their sins immediately after he had sexually abused them. AYB gave evidence that she was sexually abused by Father Durham for years, and that he made her confess after every incident of abuse:

After each time I was sexually abused, I had to go to confession to him and confess ‘my’ sin of impurity. He would say, ‘Are you sorry for your sin, my child?’ and I would reply, ‘Yes, Father’. He then said ‘Ask Almighty God and his blessed mother to help you sin no more. For your penance say three Hail Marys. Now make a perfect act of contrition. Go and sin no more.’<sup>158</sup>

AYB told us that it was ingrained in her from a very young age that she ‘was a sinner’. She said that on one occasion she asked Father Durham who he confessed to. He told her that ‘he didn’t have to go’ to confession. AYB also said that Father Durham told her that she must only do her confession with him and with no other priest.<sup>159</sup>

In Case Study 36: *The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse*, Mr David Gould gave evidence that Reverend Louis Daniels abused him when he became an altar boy at St Mary's Anglican Church in Moonah, Tasmania, in the mid-1970s. Mr Gould said that on one occasion he was sleeping on a roll-away bed in Reverend Daniels's bedroom before a church camp. When he awoke in the morning, Reverend Daniels forced him to perform oral sex on him. Immediately after this incident, Mr Gould said, he demonstrated extreme distress about what had happened. Mr Gould gave evidence that Reverend Daniels told him: 'We can fix the problem, God will absolve you. I am a priest and I can act for God in this way'.<sup>160</sup> Then, in the backyard of Reverend Daniels's house, Reverend Daniels took his confession about what had just happened, which Mr Gould felt bound him to keep the abuse secret. He told us that:

For many years I shouldered the entire blame for the abuse. I felt intense resentment for this abuse of his authority as a priest. This to me is more significant than any physical abuse I suffered.<sup>161</sup>

Chapter 11 outlines what we heard from survivors who disclosed sexual abuse in confession as children and were dismissed, blamed or punished. It also notes that we heard that some Catholic perpetrators disclosed their abuse during confession, preventing the priest hearing the confession from revealing that information.

In Part D, 'Institutional responses to child sexual abuse in religious institutions' we consider religious confession as a factor that may have contributed to the occurrence of child sexual abuse or to inadequate institutional responses in the Anglican Church (Section 12.6) and the Catholic Church (Section 13.11).

Part E, 'Creating child safe religious institutions' considers ways to improve child safety in religious institutions, including by mitigating risks associated with religious confessions (Chapter 20). Chapter 21, 'Improving responding and reporting by religious institutions', discusses recommendations contained in our *Criminal justice* report and in Volume 7, *Improving institutional responding and reporting*, that there should be no exemption from reporting obligations where information about child sexual abuse is received through religious confession.<sup>162</sup>

## 9.6.2 Use of religious rituals, symbols and language during abuse

As discussed in Chapter 8, each religious organisation has its own places of worship and religious rituals, which often involve children. We heard that children experienced sexual abuse in locations within or connected to places of worship; during various religious activities, such as altar boy duties; and in seminaries and houses of religious formation.

Some survivors of child sexual abuse also told us that people in religious ministry used religious rituals, symbols or language during the abuse.

In the *Anglican Diocese of Newcastle* case study, Mr Paul Gray gave evidence about being sexually abused by Father Peter Rushton in the mid-1960s in New South Wales. Mr Gray told us that:

On many of these occasions, Father Peter would cut my back with a small knife and smear my blood on my back ... [which was] actually symbolic of the blood of Christ – as he continued to anally rape me.<sup>163</sup>

‘Claire Grace’ told us in a private session that she was sexually abused from the age of three by ‘Brother Martin’, at her parish in Western Australia in the 1970s. She told us he started grooming her by encouraging her to rub his rosary bead belt, which had a wooden crucifix. She said, ‘He encouraged me to touch it ... and showed me how to rub my hands over it ... [in] an up and down motion. This is how he introduced me to his penis and how to masturbate him’. ‘Claire Grace’ said that over the next four years, ‘Brother Martin’ progressed to showing her his penis, which he told her was ‘something special I could play with’, and encouraged her to ‘touch it like I did with the wooden cross. He turned it into a fun game’. She told us that he would also place his robe over her and instruct her to perform oral sex on him.<sup>164</sup>

‘Peter James’ told us in a private session that the sexual abuse perpetrated on him by ‘Pastor Aronsen’, when he was in his early teens, was characterised as a spiritual ritual. He said that ‘Pastor Aronsen’, the head minister in a Pentecostal church in rural New South Wales, approached ‘Peter James’ one Friday night in the early 1990s after church youth group and invited him back to his house. Although ‘Pastor Aronsen’ was married with children, his family was not at the house when he and ‘Peter James’ arrived. ‘Peter James’ told us that ‘Pastor Aronsen’ sexually abused him that night and continued to do so on many occasions over the next few years. He said that the abuse began with touching and later included penetrative sex. It also took on a ritualistic quality. ‘Pastor Aronsen’ would light candles and chant to chase away evil spirits. He referred to ‘Peter James’ as his special son and told him that the church was okay with this kind of activity.<sup>165</sup>

We heard from some survivors that perpetrators characterised the sexual abuse as a spiritual process, or as a form of spiritual cleansing or healing.

In *Case Study 3: Anglican Diocese of Grafton’s response to child sexual abuse at the North Coast Children’s Home*, CK gave evidence that, on a number of occasions in the 1950s, Canon John Robinson made him come to the rectory at the North Coast Children’s Home in Lismore, New South Wales. CK told us that in the rectory:

I would be made [to] lay naked on the floor, and the minister would put this stuff on my chest, like a cross, and then he would lick it all off and right down to my genitals. This went on a number of times. That was called a cleansing process.<sup>166</sup>

'Susan Jane', who grew up in regional Victoria in the 1970s, told us in a private session that she approached a priest from her local Catholic church to disclose that she had been sexually abused by family members. The priest told her that he 'was God', she said, and that he could heal her. 'Susan Jane' described how the priest raped her vaginally and anally, forced her to perform oral sex on him, and inserted crucifixes and rosary beads into her vagina and anus. She said the priest told her that:

if I told anyone that he was healing me, that my parents would kill me, and it had to be our secret, and I was going to be his special angel, and he would help me ... I was so scared and hurt ... I thought that because he was God, and God sees everything, that he would strike me down if I didn't go to church on Fridays for his special healing.<sup>167</sup>

We also heard of some instances where lay perpetrators used religious rituals while sexually abusing children. Although they were not people in religious ministry, they were able to use the fear and power that religious rituals had over children to manipulate them.

'Malachy' told us during a private session that in the late 1950s his Catholic father was 'ecstatic' when he was accepted into a Christian Brothers school in Melbourne. 'Malachy' said he experienced harsh physical violence at the hands of the Christian Brothers but, if he complained at home, his parents responded that he probably deserved it or that the Christian Brothers were doing it for his own good. 'Malachy' told us he came to see his lay teacher, 'Bill Toovey', as a father figure. 'Toovey' spoke to students with respect, unlike the Christian Brothers. 'Malachy' said that he became the 'teacher's pet' and was told by 'Toovey' that he'd been chosen as the 'special one' to wear a green religious scapular to honour Mary Immaculate. One afternoon, 'Toovey' invited 'Malachy' to his home where he was made to strip naked in a front of a candle-lit picture of Mary, and 'Toovey' then fondled his genitals, telling 'Malachy' it was a special occasion and that both he and God loved him. 'Toovey' continued to sexually abuse 'Malachy' on a weekly basis for five months.<sup>168</sup>

Some survivors felt that their experiences of child sexual abuse involving elements of religious practice, ritual or symbolism amounted to a type of 'spiritual abuse'. For some, this had profound impacts on their religious beliefs and trust in the religious organisation.

'Stephie', who was born with a disability that limited her mobility, told us in a private session that she was sexually abused by her father, 'Reverend Rossi', a minister in a Protestant church, from the age of about four. She told us of feeling as though she had experienced 'spiritual abuse'. On numerous occasions he would pull her onto a rug bearing the emblem of the church and sexually assault her while declaring God wanted him to do it. 'Stephie' told us:

He wasn't just my father. Effectively he was also a parish priest ... and represented God. And to this day I still need to convince myself that God loves me. And they can't just say God doesn't exist because it was so integral to my upbringing. So in my head it's a god that didn't love me enough to protect me ... It was spiritual abuse as well.<sup>169</sup>

‘Stephie’ told us she later attempted to disclose the abuse to three different elders from the church but no action was taken.<sup>170</sup>

‘Ervin’ told us in a private session that he attended a Catholic school. When he was 15, he needed somewhere to stay and asked the religious brothers if he could stay with them at the priory. During this stay ‘Ervin’ had significant spiritual revelations, what he calls his ‘God moment’ and had thoughts of becoming a priest. ‘Ervin’ said he was sexually abused by a religious brother at the priory. As an adult, ‘Ervin’ was disappointed with the Catholic Church’s response when he sought redress. He believed that he had been left with a deep spiritual wound that he was unable to heal. He called it his ‘enduring spiritual cancer’. He told us that he’d be amazed if he was the only survivor who was enduring a damaged or destroyed relationship with God. He said:

I assume I’m like a silent majority of Church survivors – unable to work within Church structure as it stands ... the buildings, the personnel, the rituals that became inextricably juxtaposed with sex, sexuality and misuse of power.<sup>171</sup>

Chapter 10 discusses the impacts on those who experienced child sexual abuse in religious institutions, including loss of religious faith, spiritual confusion, and loss of trust in those in positions of religious authority or leadership. Chapter 11 discusses barriers to disclosure of child sexual abuse, including where religious beliefs or practices created barriers to disclosure, and where perpetrators exploited victims’ religious beliefs to create barriers to disclosure.

# Endnotes

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- 7 Transcript of CKA, Case Study 42, 4 August 2016 at 16440:21-27; Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*, Sydney, 2017, s 2.3.
- 8 Transcript of CKA, Case Study 42, 4 August 2016 at 16440:29-35.
- 9 Transcript of CKA, Case Study 42, 4 August 2016 at 16440:37-45. Father George Parker was charged with 24 child sex offences on 23 December 2016. He died on 11 January 2017 before facing court on these charges. Father Parker was allocated the pseudonym KCK during the public hearing. The pseudonym was lifted on 16 January 2017: see Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*, Sydney, 2017, s 1.3, s 2.3.
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- 13 Name changed, private session, 'Emory'.
- 14 Name changed, private session, 'Emory'.
- 15 Name changed, private session, 'Amanda'.
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- 18 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions*, Sydney, 2016, p 19.
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- 21 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions*, Sydney, 2016, p 14.
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- 23 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse*, Sydney, 2016, p 18.
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- 25 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse*, Sydney, 2016, p 30.
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42 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 29: The response of the Jehovah’s Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse*, Sydney, 2016, p 30.

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- 168 Name changed, private session, 'Malachy'.
- 169 Name changed, private session, 'Stephie'.
- 170 Name changed, private session, 'Stephie'.
- 171 Name changed, private session, 'Ervin'.

# 10 Impacts of child sexual abuse in religious institutions

A fractured child becomes a broken adult.<sup>1</sup>

**Survivor, Mr Ivan Clarke**

As discussed in Volume 3, *Impacts*, the impacts of child sexual abuse in institutions can be devastating. We heard that the impacts are different for each victim. Some experience deep, complex trauma, which pervades all aspects of their lives. Others do not perceive themselves to be profoundly harmed. Some impacts are immediate and temporary, while others can last into adulthood. Some emerge only after 'trigger' events or at different life stages, and others accumulate over time.

While each experience shared with us was unique, some impacts were commonly described by survivors in private sessions. The impacts we heard about most commonly were effects on mental health, difficulties with interpersonal relationships and impacts on education, employment and economic security. Survivors also commonly described impacts on their physical health, social wellbeing, culture, spirituality, sexual behaviour, sexuality and gender identity.

We heard that some impacts of child sexual abuse in institutional contexts are similar to those of sexual abuse in other settings. However, there are often particular impacts when a child is sexually abused in an institution, including mistrust and fear of institutions and authority. We also heard that the way an institution responds to child sexual abuse can itself have significant impacts. Inadequate institutional responses can leave victims feeling betrayed, ostracised or isolated.

The impacts of child sexual abuse can be affected by the point in time at which a victim or survivor discloses that they were abused. Some studies indicate that delayed disclosure, or non-disclosure, may exacerbate the impacts of child sexual abuse.<sup>2</sup> We heard from many survivors who felt they could not disclose their experience of child sexual abuse for many years, in some cases until after their parents had passed away. Some survivors told us they did not want to 'bring shame' on their family or religious organisation or they did not want to destroy their parents' religious faith.

The impacts of child sexual abuse and institutional responses to that abuse extend beyond victims. Parents, siblings, partners, carers and children can also be significantly affected, as can other children and staff in institutions where child sexual abuse occurs. The impacts can be intergenerational and can affect entire communities.

Volume 3, *Impacts*, details what we heard about the impacts of child sexual abuse across all institution types. Those who experienced child sexual abuse in institutions managed by religious organisations told us about many impacts that were similar to those experienced by survivors of child sexual abuse in institutions under other management. However, we also heard about particular impacts for survivors of abuse in religious institutions. This chapter focuses on those particular impacts, including loss of religious faith, spiritual confusion, breakdown of religious families, ostracism from religious communities and loss of trust in those in positions of religious authority and leadership. This chapter also outlines what we heard from survivors about pregnancy as an impact of child sexual abuse by people in religious ministry, and discusses some of the broader impacts on communities of child sexual abuse in religious institutions.

Finally, this chapter considers some of the ways in which survivors have shown resilience in managing the impacts of the sexual abuse they experienced as children.

## 10.1 Loss of religious faith

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Arguably the greatest harm caused by sexual abuse is a deep spiritual harm. I believe that the strong feeling that Church leaders have been complicit in a profound spiritual harm that they cannot repair has been the cause of much anger.<sup>3</sup>

**Bishop Geoffrey Robinson, retired Auxiliary Bishop, Catholic Archdiocese of Sydney**

Many survivors told us about a far-reaching impact of child sexual abuse in religious institutions: spiritual harm and a loss of religious faith. We heard that some people lost religious faith as a result of being sexually abused in a religious institution. Others told us that their loss of religious faith was caused or compounded by institutional responses to child sexual abuse.

### 10.1.1 Loss of religious faith due to child sexual abuse

Many survivors told us they lost their religious faith as a result of being sexually abused as children in religious institutions. As discussed in Chapter 9, 'Characteristics of child sexual abuse specific to religious institutions', some survivors of child sexual abuse by people in religious ministry told us there were religious aspects to the ways they were groomed or abused. Some survivors felt that such experiences amounted to a type of 'spiritual abuse', which profoundly damaged their religious beliefs and trust in their religious organisation.

In *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)*, CK gave evidence that he was a resident at the home from 1949, when he was three years of age.<sup>4</sup> The church, which was located on the same grounds as the children's home, was central to CK's young life. He told us that the children went to 'prayers nearly every day', as well as Sunday school, and they often went to church twice on Sundays. 'God was very much indoctrinated into us, and the fear of God', he said.<sup>5</sup> He told us that, as a result, 'we did what we were told'.<sup>6</sup> CK gave evidence that one Anglican priest would take him up into the belltower of the church and sexually abuse him:

After church on Sundays, I was taken up there [into the belltower] and I suppose I thought it was affection or love, and he would touch my body where it shouldn't have been and, as far as I can remember, there was no form of penetration, but there was a lot of cuddling and fondling, and he would continually shake, and this went on for a number of years, but the vibration and the shaking, I assume, was masturbation.<sup>7</sup>

CK told us that the sexual abuse coupled with the religious fervour of his upbringing in the home resulted in him losing his faith in the Anglican Church:

My life since then has been void of any spiritual thing. How can I believe in the Church when they take you on that sort of journey? It destroys a lot of your life.<sup>8</sup>

Other survivors told us they had tried to restore their faith by attending church again. In the *North Coast Children's Home* case study, Mr Tommy Campion told us that he had 'walked out [of the church] many times a complete quivering mess' and unable to control his emotions.<sup>9</sup> We heard of many similar experiences. Survivors told us they could not attend a parent's funeral, a sibling's wedding or religious events like a baptism or holy communion because they could not walk through the door of a church. Others told us they could not celebrate religious holidays such as Christmas or Easter because it would trigger memories of the sexual abuse.<sup>10</sup>

Survivors also told us that, when they were sexually abused by a person in religious ministry, the sense of betrayal and loss of faith in God was profound. In her evidence in *Case Study 28: Catholic Church authorities in Ballarat (Catholic Church authorities in Ballarat)*, Associate Conjoint Professor Carolyn Quadrio, Associate Conjoint Professor in Psychiatry, University of New South Wales, and consulting forensic and child and family psychiatrist, described this impact as follows:

The loss of faith and shattering of the belief is really very damaging to a child. If a child grows up feeling, well, you can't trust anybody and everybody's bad, and even God's bad, that's what I mean about the profound characterological damage that can have.<sup>11</sup>

Many survivors told us that spirituality and a belief in God had been a key part of their upbringing and were central to their identity. Their loss of religious faith after experiencing child sexual abuse was often devastating.

*In Case Study 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions (Yeshiva Bondi and Yeshivah Melbourne), Mr Manny Waks told us that the sexual abuse he experienced left him feeling alienated from his religion and his world:*

Before the abuse I was a regular child ... This all changed after the abuse. My world seemed to have collapsed. I felt ashamed, guilty and angry. I was taunted and teased at school. I felt alone, and became alienated from my family, friends and community. Having grown up in an ultra-Orthodox Jewish environment where every aspect of daily life is dictated by religion, I soon came to loathe religion, its practices and leaders ... The abuse marked a dramatic change in my religious belief system. So, as a child around my bar mitzvah, at the age of 13, one of the most important milestones for a Jewish boy, I felt lost in the only world I knew. It is very hard to explain the depth of this despair given my background. I was essentially questioning my very existence.<sup>12</sup>

'Cleo' told us in a private session that she was sexually abused by 'Father Michaelides', who ran Sunday school classes at her Greek Orthodox church each week. The sexual abuse began in the mid-1960s, when 'Cleo' was five years old. When she was 12, she told her mother that 'Father Michaelides' was sexually abusing her. Her mother believed her immediately but told her to be quiet about it or she would be in trouble. Her mother then sent 'Cleo' back to Sunday school the following week. When 'Father Michaelides' tried to touch her again during the lesson, 'Cleo' grabbed a ruler and struck him repeatedly. It was the last time he sexually abused her. She told us:

I was so angry. I was angry with God. I was angry with my mother for betraying me. Angry with the Church. Angry with ['Father Michaelides'] ... [The child sexual abuse] stole my life. I lost ... my childhood. I lost my teen years ... I had nothing. I lost God. I lost my belief. I lost my innocence. I lost my spirit.<sup>13</sup>

*In Case Study 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol (St Joseph's Orphanage, Neerkol), Ms Mary Adams told us that she was placed at St Joseph's Orphanage when she was nine months old. Ms Adams gave evidence that during her time at the orphanage she experienced emotional, physical and sexual abuse.<sup>14</sup> She described her subsequent loss of faith:*

As a child, I did place all of my beliefs wholeheartedly in something that I felt gave me the strength to endure, that became my comfort, my solace, my secret companion in those dark years, someone to reach out to in those difficult and unbearable times. As a child, I could identify with the sufferings on the road to Calvary. My beliefs were shattered by the actions of his representatives and I have never forgiven those violations and the abandonment I felt. The hypocrisy of his so-called representatives caused me to lose faith in the God I held so dear, and in humanity.<sup>15</sup>

We heard that many religious children, such as those raised in the Catholic faith, are taught that priests are God's representatives on earth. This can lead to profound impacts when such a child experiences sexual abuse perpetrated by a priest. Research has described the damage that can be caused when a priest sexually abuses a religious child as 'soul murder'.<sup>16</sup> Doyle, Sipe and Wall have argued that the impact of child sexual abuse on Catholic victims is particularly devastating because the sexual abuser is a priest:

Catholic victims, brought up in a church dominated by clerics, believe the teachings that priests take the place of Christ. In the minds and emotions of the victims the priest is much more than a pastor or minister. He is a very special father figure and the earthly representative of God himself. Many victims experience a kind of toxic transference, and experience in their sexual abuse a form of spiritual death.<sup>17</sup>

We heard from survivors who were sexually abused by religious brothers that they also experienced a profound and devastating loss of faith. 'Arnett' told us in a private session that his belief system had been undermined, and he turned away from religion, after being sexually abused by a religious brother during his first few weeks at a Catholic boarding school in the mid-1970s. He told us:

I had a strong faith and after [the sexual abuse] my belief in right and wrong, and Christianity, and Roman Catholicism and everything was totally turned upside down. And that was something that was important to me. And I became very much an atheist, because how could a god let this happen?<sup>18</sup>

BAP expressed similar feelings in the *Catholic Church authorities in Ballarat* case study. He told us that he was sexually abused in Year 3 at St Alipius Boys' School in Ballarat, Victoria, by religious brothers.<sup>19</sup> BAP described the impacts of the sexual abuse on his faith:

I don't have any faith. The church and everything it stands for is a demon to me. I believe in God, but I don't believe in the way that man has portrayed God. I believe it has been built on lies. What happened to me when I was a child has been ingrained into me. I don't understand how the offenders can portray themselves to be good when they are also doing evil.<sup>20</sup>

We also heard that the impacts could go beyond a victim's loss of faith in their own religious beliefs and could extend to disillusionment with all religions.



In Case Study 43: *The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious (Catholic Church authorities in Maitland-Newcastle)*, CNS told us that he is now an atheist because of the sexual abuse he experienced at school. He gave evidence that his teacher, Brother Patrick (Thomas Butler), sexually abused him on numerous occasions at Marist Brothers Hamilton school in Newcastle, New South Wales, in 1971.<sup>21</sup> Years later his parents often asked him why he had ‘lost’ his Catholic faith:

I always replied that the best way to ensure that someone ended up an atheist was to send them to the Marist Brothers. My experiences and those of many of my friends and family at the Marist Brothers put me off religion for life.<sup>22</sup>

We heard that when children experienced sexual abuse in some of the holiest areas within Catholic and Anglican churches, such as on the altar or in the confessional, the impacts on their faith could be particularly significant. ‘Hedda’ told us in a private session that she was sexually abused by an unnamed priest during confession at her Catholic high school in Sydney in the 1970s. After this incident she never entered a church again and lost all faith in religion. ‘I’m not a Catholic anymore. I’m no religion anymore. I’m nothing’, she said.<sup>23</sup>

Distrust, a crisis in faith, betrayal, discomfort with rituals, religious symbols or practices, and rage against the religious institution for its perceived role in occasioning and concealing child sexual abuse have all been reported in studies of the impacts of child sexual abuse in institutions with a religious affiliation.<sup>24</sup>

Some survivors told us they struggled to control their anger against the religious institution where they were sexually abused. In the *St Joseph’s Orphanage, Neerkol* case study, AYA gave evidence that she was sexually abused by Father Reginald Durham. She said:

Who gave you the right to make me feel worthless and ashamed? A priest takes on the name of ‘Father’; a nun, ‘Sister’. ‘Father’, ‘Sister’ – names of trust to anybody and to any child. And look what you have done. The pain and the suffering – I will never forgive you, ever.<sup>25</sup>

Some survivors told us that a loss of religious faith as an impact of child sexual abuse could be intergenerational. We heard that child sexual abuse can have ‘ripple effects’, including where parents and a wider network of people also lose faith in their religion or their religious organisation.

In the *Catholic Church authorities in Ballarat* case study, Mr Stephen Woods gave evidence that his family was ‘heavily involved’ in the Catholic Church. He said that he was sexually abused at St Alipius Boys’ School in Ballarat, Victoria, by his Grade 6 teacher, Brother Robert Best, in 1972. He told us he was then sexually abused by Brother Edward Dowlan when he started high school at St Patrick’s College and also by the parish priest Father Gerald Ridsdale, in 1975. Mr Woods said that two of his brothers were also abused by people in religious ministry.<sup>26</sup> Mr Woods told us:

My parents were utterly shattered, shattered, by the revelations of abuse to their three sons. Their faith and their trust in the church was destroyed. They had entrusted their most precious gifts ... to the church and the church abused them ... [My mother] lost her belief in the Catholic Church after nearly 70 years of being a devout Catholic. My sisters and brothers have told me that they absolutely despise the church. My family were heavily involved in the Catholic Church for three generations. Our faith has now been lost.<sup>27</sup>

Other survivors told us that they did not tell their parents that they had been sexually abused because they did not want to destroy their parents' religious faith. For some, like BAB, who told us he was sexually abused by a Christian Brother who was his teacher at a primary school in Ballarat, Victoria, in the early 1970s, the effects of internalising the sexual abuse took a toll. In the *Catholic Church authorities in Ballarat* case study, BAB told us:

I did not tell my parents about the abuse at the time because they were such an integral part of the Catholic community. We were a time-honoured Catholic Ballarat East family. I didn't want to shake my parents' faith and I didn't want to devastate them. I didn't want them to know that they had put me in a position where this sort of thing could happen, even though I know now that they had no role in that. My father has since passed away but I still haven't told my mother ... She is elderly, and I would not want to shake her faith. I think that, once my mother has passed away, I will have conversations with my siblings ... I think that my actions of holding on to this internally have actually led to a psychological barrier, which now means that my marriage is almost collapsing. I think it's become more debilitating the longer it's gone on.<sup>28</sup>

As discussed in Section 10.8 below, survivors of child sexual abuse told us they used a variety of coping and survival strategies to overcome the trauma of the abuse they experienced. Although many survivors told us they had lost their religious faith as a result of being sexually abused, others told us it was their religious faith that helped them to cope.

### 10.1.2 Loss of religious faith due to the institutional response

Some survivors told us their loss of religious faith was either caused or exacerbated by the way the religious institution responded to their disclosure of child sexual abuse.

As discussed in Chapter 11, 'Disclosure of child sexual abuse in religious institutions', survivors of child sexual abuse in religious institutions told us they were not believed when they disclosed abuse. Other survivors told us the institution minimised the nature or seriousness of the abuse. Some survivors reflected on how religious institutions had failed to protect them from child sexual abuse in the first place. Others described how religious institutions responded in ways that were actively damaging – for example, by blaming victims, or by punishing victims for disclosing. We heard that institutional responses that fail victims can exacerbate a sense of

injustice and betrayal, and foster resentment and anger. Part D, 'Institutional responses to child sexual abuse in religious institutions', examines institutional responses to child sexual abuse in religious institutions in detail.

*In Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)*, CKA gave evidence about the impact of being sexually abused by Father George Parker and the institutional response of the Diocese of Newcastle in New South Wales:

I lost my faith in the Church due to the hypocrisy of [Father Parker<sup>29</sup>] and other priests. This was further exacerbated by those in the Church who I trusted not believing me. I cannot understand how those people parade around in their robes at Sunday mass telling others how to conduct their lives, without acknowledging that the Church's procedures are flawed. I have found the process of dealing with the Church as abusive as the sexual abuse itself.<sup>30</sup>

The responses from some Catholic leaders left victims and survivors feeling frustrated and angry with the Catholic Church.<sup>31</sup> Mrs Audrey Nash, who gave evidence at the age of 90, told us that she felt the Catholic Church showed a lack of compassion when her 13-year-old son, Andrew, took his own life in 1974.<sup>32</sup> She gave evidence in the *Catholic Church authorities in Maitland-Newcastle* case study that in the time since Andrew's death, she has come to believe that he was sexually abused by a religious brother at Marist Brothers Hamilton in New South Wales, in the early 1970s, although Andrew never disclosed this to her.<sup>33</sup> Mrs Nash's other son, CQT, also gave evidence that he was sexually abused by religious brothers at the school.<sup>34</sup> Mrs Nash told us that she was once a devout Catholic but no longer goes to church:

I don't go to Church now. I still have my beliefs, but I am appalled at the lack of empathy, the lack of support and the lack of concern for all of the people affected by child sexual abuse. I am disgusted by the efforts of the Church to cover up the abuse and to protect the abusers. I have been devastated by what happened to [CQT] and Andrew, and my children and I have been just as devastated by the reaction of all of the members of the Catholic Church. I have been left feeling empty. I also feel so stupid that I used to fear and revere these people and that I used to respect them and look up to them.<sup>35</sup>

AVA told us that he lost faith in religion because of the response he received from leaders of the Yeshivah Centre in Melbourne. He gave evidence in the *Yeshiva Bondi and Yeshivah Melbourne* case study that David Cyprys sexually abused him between 1986 and 1989 at Yeshivah Melbourne. AVA was 14 years old and Cyprys was 18 years old when the sexual abuse first occurred. Cyprys was the instructor's aide in a martial arts program that AVA attended. In 1986, AVA's mother found out about the sexual abuse. She spoke to Rabbi Yitzchok Dovid Groner, who told her he would take care of it. Cyprys remained in the school community and AVA was

sexually abused by him for a further two years.<sup>36</sup> AVA told us that he has 'absolutely no doubt' that the 'Yeshivah Centre and some of the rabbis were aware of David's penchant for young boys' and were more concerned about the reputation and protection of the Yeshivah Centre.<sup>37</sup> As a result, AVA told us:

I have separated from the Jewish community completely and lost complete faith in religion. It is too horrible and incomprehensible to think that there could be an omnipotent being when the world can be so nasty.<sup>38</sup>

In private sessions, other survivors told us of similar experiences and of a resulting loss of faith. 'Maxine' told us that the 'deal breaker and soul destroyer' was not the sexual abuse as much as the way the Jehovah's Witnesses elders handled her complaints of sexual abuse. 'Maxine' said that from a young age she was sexually abused by her stepfather 'Graham'. She said that when she discovered that he was also abusing her half-sister, 'Ellie', she went to the elders. They told her to 'keep it quiet, keep it within the family' and told her to make sure that she 'didn't wear any revealing clothing'. She said that all 'Graham' got 'was a slap on the wrist'. Disillusioned and lacking respect for the process, she walked away from the Jehovah's Witnesses and lost many friendships as a result. She believes that until individuals are held to account it would be very hard for her to 'claw any of that faith back'.<sup>39</sup>

'Phyllis' told us that she was raped when she was staying at the Queensland home of Salvation Army members when she was 11 years old. She told us that The Salvation Army was her life, and she did not mix much with people from outside of the community. She disclosed the sexual abuse at the time, but The Salvation Army did not investigate and all involved agreed the matter was not to be spoken of. Years later, she reported the sexual abuse to The Salvation Army again, and there was an internal investigation that she felt was poorly handled. She told us that the later interactions with The Salvation Army had led to the 'destruction of my spiritual life'.<sup>40</sup>

'Michaela' told us that she was sexually abused as a teenager by the leader of her Baptist Church youth group. In her 20s, she made a formal complaint to the Baptist Church complaints officer, as well as the Presbyterian church where the perpetrator was then working. 'Michaela' said that the process was badly handled and she felt let down by the experience. Although the Baptist Church told 'Michaela' that the person who sexually abused her had been 'dealt with in the appropriate manner', she said that they never explained to her what that meant, and the sexual abuser was still involved in church youth organisations. She told us:

I think the biggest loss in all of this is, I no longer believe in the institution of a church. I had it so certain back then. For me, going to church and Sunday school, it was an escape from my own life and it brought me a sense of peace, a place to belong. And all of that got taken away ... And I get angry that he's still in the church. He's still got his faith all sorted out. And I get angry 'cause he's taken so much from me.<sup>41</sup>

## 10.2 Spiritual confusion

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You couldn't get away, it was just awful. And you couldn't say anything and you felt, not dirty, you felt kind of used, just like a piece of meat. But there was also this conflict going on in your head. Every time something would happen it would be like, he's a priest, he's so close to God, it must be okay, but it doesn't feel okay.<sup>42</sup>

**Private session, 'Pamela Jane'**

Some survivors told us that they were sexually abused by people in religious ministry who used their position of spiritual authority to facilitate the sexual abuse. As discussed in Chapter 9, 'Characteristics of child sexual abuse specific to religious institutions', many survivors told us that, when they were children, they saw perpetrators who were people in religious ministry as being not only extremely powerful, but also deeply trusted and respected. Some survivors, particularly those who were sexually abused in Catholic or Anglican institutions, told us that the perpetrator's closeness to God made them feel like they had been sexually abused by God. For some victims this could result in profound spiritual confusion.

American Dominican priest, canon lawyer and survivor advocate, Dr Thomas P Doyle OP, has described the misuse of spiritual authority as a process of 'religious duress' whereby victims, 'believed what they had been taught: that priests and bishops are representatives of God, take God's place on earth and are deserving of the highest respect and obedience'.<sup>43</sup>

In the *Catholic Church authorities in Maitland-Newcastle* case study, a letter written by CNJ, a survivor, to Mrs Audrey Nash, was read out during the public hearing.<sup>44</sup> CNJ shared classes with Mrs Nash's son Andrew who, as discussed in Section 10.1.2, took his own life while a student at Marist Brothers Hamilton in the 1970s. CNJ wrote:

When I get down on myself for not having spoken up at the time, I have to remind myself of the enormity of a child facing off with a Marist Brother. Up until that time I was taught that a Brother, Nun or Priest was 'God's representative on earth'. So when God's agent sticks his hand down your pants, life gets seriously confused.<sup>45</sup>

Other survivors told us that at the time of the sexual abuse, they thought that God must have willed it to happen and was punishing them in some way. 'Clark' told us in a private session that he was raped by 'Brother Andrew', a teacher at his Christian Brothers high school in Melbourne in the early 1980s. 'Clark' told us that he was at home sick from school and both of his parents were at work when 'Brother Andrew' raped him at his home. He felt that 'because of what I'd been indoctrinated with ... I then naturally felt that God must be doing this through him ... I must've been punished because he was God's representative'.<sup>46</sup>

Some survivors told us that religious teachings they had grown up with made them feel complicit or somehow responsible for the sexual abuse, which contributed to a sense of spiritual confusion. 'Maree' told us in a private session about the tremendous power priests had in her Catholic community when she was growing up in the 1950s. She told us that the parish priest was a frequent visitor to their family home in Victoria, and that he sexually abused her there and on family outings. He also abused 'Maree's' younger sister. Coming from a devout religious family, 'Maree' thought the sexual abuse must have been her fault. She told us, 'We were brought up to respect priests. They were next to God. The dilemma I found myself in, believing that a priest couldn't sin, I started to think it must have been me'.<sup>47</sup>

'Guy Linton' told us in a private session that he experienced sexual abuse as a child in Victoria in the 1970s, perpetrated by his parish priest. He said:

[I] was terrified and intimidated by 'Father Stephen', and I was constantly blaming myself and feeling guilty ... It was a very confusing time for me as I came from a very staunch Catholic household ... where the priest was considered to be the centre of our community, and a direct link to God that could never be questioned.<sup>48</sup>

In some cases, we heard that victims of child sexual abuse experienced feelings of spiritual confusion when they became adults. In *Case Study 8: Mr John Ellis's experience of the Towards Healing process and civil litigation*, Mr John Ellis told us that he did not recognise that he had been sexually abused as a child until he was an adult.<sup>49</sup> He told us he experienced a deep crisis in faith.<sup>50</sup> He gave evidence that he was sexually abused by Father Aidan Duggan from 1974, when he was 13 years old, until he was 17 years old, while he was an altar boy. He said that the sexual abuse continued until he was 26 years old.<sup>51</sup>

In late 2001, he disclosed for the first time to a counsellor that he had been sexually abused, and in 2002 he started engaging in the Towards Healing process.<sup>52</sup> At this stage, Mr Ellis was 'deeply religious'<sup>53</sup> but was experiencing 'emotional and spiritual dilemmas'.<sup>54</sup> He told us:

I wanted someone [in the Catholic Church] who would help me to reconcile within my head what had happened to me with an institution that I trusted and believed in and a faith that, up until then, had been the foundation of my life.<sup>55</sup>

As part of the Towards Healing process, facilitators agreed that they would make arrangements for a spiritual director to speak to Mr Ellis, but none was ever provided.<sup>56</sup> Mr Ellis gave evidence that the lack of spiritual support affected his relationship with the Catholic Church, which had been 'irreconcilably damaged'.<sup>57</sup> He told us that:

The most important things for me were: firstly, to be believed; secondly, to be told that it actually mattered to somebody what had happened to me; and thirdly, to have that spiritual assistance, because ... my spiritual life has been totally trashed by this, and that was one of the most important things that I wanted the church to help in.<sup>58</sup>

In this case study, we found that the Catholic Archdiocese of Sydney fundamentally failed Mr Ellis by not providing a spiritual director when he was plainly in need of one.<sup>59</sup>

### 10.3 Breakdown of religious families

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When I was about 14 I finally got the nerve to tell my mum. And she called me a lying, blaspheming little bastard: ‘How dare you say that about ‘Father Bastin’ ... [After that] I didn’t have any respect for her anymore.’<sup>60</sup>

**Private session, ‘Gregory’**

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

In the *Catholic Church authorities in Ballarat* case study, Mr Andrew Collins gave evidence that he was sexually abused in the 1970s and 1980s by a number of abusers, including a local priest and religious brothers. He told us that, when he first was interviewed by the media about the sexual abuse he experienced, his family was horrified:

they said, ‘You’ve shamed the family and the church by coming out and saying this. This is not stuff you should talk about. It was so long ago and if anything did happen, which we don’t believe it did, then you just need to get over it’.<sup>61</sup>

Mr Collins told us he became a spokesperson for a group of Ballarat survivors and appeared on television, radio and in the local newspaper.<sup>62</sup> He told us:

The more I spoke out, the more my family turned away. A journalist from the *Ballarat Courier* told me that my mother went to their office with my sister one day and said that if they published my name in the paper anymore she would sue them. She said I was a liar who had made everything up and was destroying their reputation. My father later told me that on the same day my mother also went to the police station and told them that they shouldn’t listen to anything I said. She even went and spoke to someone at the Ballarat City Council even though they had nothing to do with it.<sup>63</sup>

Mr Collins told us that his entire family had severed ties with him.<sup>64</sup>

Other survivors who gave evidence in the *Catholic Church authorities in Ballarat* case study also spoke about being alienated from their families after they disclosed that they had been sexually abused. Mr Philip Nagle gave evidence that he and his brother were both sexually abused by



Brother Stephen Farrell. Mr Nagle said that 'Having been a man of God, our family's door was always open to him'.<sup>65</sup> He said that Brother Stephen Farrell abused him at school and abused his brother in their family home.<sup>66</sup> In 1984, when Mr Nagle was in his early 20s, his mother confronted him at a friend's 21<sup>st</sup> birthday party about his 'lifestyle' of drugs and alcohol. He told his mother that Christian Brothers had sexually abused him and his brother.<sup>67</sup> Mr Nagle told us that a week later his mother called him to say that his brother had denied that any abuse had occurred:

She told me that I had made it up as an excuse. This drove a wedge between me and my family for many years. In about 1996 my brother disclosed to me that he had also been sexually abused by Brother Farrell and we decided to report it to the police. It was not until Brother Farrell stood up in court in 1997 and admitted that he committed the child sexual abuse against my brother and I that we felt we were finally believed.<sup>68</sup>

In the same case study, BAV gave evidence that his family was very involved in the Catholic community in Ballarat.<sup>69</sup> When he told his mother that he had been sexually abused at St Alipius Boys' School, his mother did not believe him. Their relationship was 'broken and it never really healed'.<sup>70</sup> BAV told us that his brother and his cousin took their own lives, and that he believes both were abused at the school. He also gave evidence that he had been bullied, excluded from social events and lost work opportunities because he had spoken out against the Catholic Church.<sup>71</sup>

Commissioned research indicated that, in some religious communities, the sense of identity and status that family members gain from being a member of their community is considerable. This sense of belonging and investment can be damaged when a victim discloses that they have been sexually abused, and this may lead to unsupportive responses from family members.<sup>72</sup>

In private sessions, some survivors described the unsupportive responses they experienced. For example, 'Calinda' told us in a private session that she despairs over the loss of her family. She told us that she appreciates the support of her friends, but she often yearns for the security that only family can provide. She said that while she was a member of the Jehovah's Witnesses she was sexually abused as a child by four different perpetrators. 'Calinda' told us that one day in her early 20s she was physically assaulted by a man in the street. She told us that the event triggered post-traumatic stress disorder, and she approached her church for help, but was advised to pray. She told us that this poor response led her to leave the congregation for good. From this moment on, she told us, she was ostracised by her family. On one occasion her mother, in a telephone conversation, 'launched into this tirade about me being the Antichrist and how I was just using everything as an excuse to not serve Jehovah, because I was just a whore and a slut and she wished she never had me'.<sup>73</sup>

## 10.4 Ostracism by religious communities

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Not once have I ever had a member of Jehovah’s Witness tell me they believe me or try to support me getting help. They outright told my mother not to seek help or go to the police. They openly questioned my honesty and insinuated to my parents that I was mentally defective ... I was forced to attend meetings three times a week and told that my abuser was someone to look up to as an authority figure who was infallible ... They completely failed me ... When you leave a religion like Jehovah’s Witnesses, your whole world changes ... You can’t ring Mum and say, ‘Hey, I need some help. I don’t know how to do the grocery shopping ...’ or ‘I need a reference so I can get a rental’. They won’t help you. As soon as you leave you are so alone.<sup>74</sup>

**Private session, ‘Becki’**

Some survivors of child sexual abuse told us how a sense of shame, community rejection or fear of retribution alienated them from their religious community. We heard from survivors who were not believed or were ostracised by their religious community because they were seen as having brought shame upon the community or the religious institution involved.

In the *Yeshiva Bondi and Yeshivah Melbourne* case study, we heard from survivors of child sexual abuse who told us they were ostracised by their religious community after disclosing abuse.<sup>75</sup> As discussed in Chapter 17, ‘Yeshiva Bondi and Yeshivah Melbourne’, we heard that Chabad-Lubavitch communities, such as Yeshiva Bondi and Yeshivah Melbourne, were defined by a strict adherence to the obligations of the practice of the Jewish faith.<sup>76</sup> We heard about the Jewish law principle of *mesirah*, which prohibits Jews from informing upon or handing over another Jew to a civil authority, particularly where criminal conduct is alleged.<sup>77</sup> We were told that some members of the community perceived communicating with police about child sexual abuse to be an act of *mesirah*. We also heard that some members believed that alleging that another Jewish person may have sexually abused a child was engaging in *loshon horo* (unlawful gossip).<sup>78</sup> We heard that adherence to beliefs such as *mesirah* resulted in some community members behaving towards victims and their family members in ways that caused them great distress. In some cases, victims and their families experienced such severe ostracism and shunning that they felt unable to remain in the community.<sup>79</sup>

For example, AVB, a former student of Yeshiva College Bondi, told us that he was sexually abused by David Cyprys in the mid-1980s. AVB gave evidence that after he attended a court hearing of Cyprys, he was the subject of virulent criticism in online blogs and was labelled a *moser*.<sup>80</sup> A *moser* is a term of contempt applied to a Jew who has committed *mesirah*.<sup>81</sup> AVB gave evidence that a *moser* was ‘the low of the low. You can’t get any lower than a moser’.<sup>82</sup>

AVB's wife, AVC, gave evidence of the 'vitriol' and hatred that the entire family experienced from the community:

The Yeshivah Shule has become the arena for accusations and suspicions to be expressed. Under the watchful gaze of the Yechi Hamelech (long live the king Messiah) sign, rabbis preach against mesirah, informing on a Jew to non-Jewish authorities, preaching hellfire and damnation for those who have let the secular world in, where they have failed ... My children have watched as another upstanding member of the community ... at Yeshivah Centre Melbourne, called my husband an arsehole, when he extended his hand to wish him mazeltov (congratulations). Smart quips, clips on the shoulder, vicious accusations shouted out in the Yeshivah shule, all delivered in the presence of my children ... The community's response to their awakening to the child sexual abuse riddling the community is to turn on the victim and make them the subject of suspicion... Petty vengeance and opportunism are at play here. Suddenly, every accusation, every evil that happens in the community is assigned falsely, to you.<sup>83</sup>

As discussed in Chapter 17, witnesses from Jewish representative bodies, and representatives from Yeshivah Melbourne and Yeshiva Bondi, unanimously confirmed that the concepts of *loshon horo* and *mesirah* have no application in the case of child sexual abuse.<sup>84</sup>

In *Case Study 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse (Jehovah's Witnesses)*, we heard about members of the Jehovah's Witnesses experiencing shunning or ostracism after disclosing sexual abuse.<sup>85</sup> We found that the organisation has a policy and practice of shunning those who wish to leave.<sup>86</sup> BCG gave evidence that when she was a child she was sexually abused by her father, who was appointed as a ministerial servant of a congregation in Queensland in about the mid-1980s.<sup>87</sup> She said that when she decided to leave the Jehovah's Witnesses organisation in the late 1990s, she and her three children 'were completely shunned, ostracised and actively avoided by members' of the congregation of Jehovah's Witnesses.<sup>88</sup> These issues are discussed further in Chapter 15, 'Jehovah's Witnesses'.

'Camila' told us in a private session that she was shunned by her Jehovah's Witnesses community after disclosing that she and her daughter had both been sexually abused. 'Camila' recalled that she had been sexually abused by her father, a prominent member of the Jehovah's Witnesses, only when her six-year-old daughter said that her grandfather was touching her on the genitals. 'Camila' told us that she reported the sexual abuse to the elders and they recommended that she pretend nothing had happened. Several years later, 'Camila' decided to go the police. She said that, as a result, her husband told her that they could no longer be married, and the Jehovah's Witnesses community also 'shunned' her. When she went to the police and apologised for not reporting the sexual abuse sooner, she said, 'Sorry it's taken so long but I knew I'd lose my husband, my family, my sisters, my friends. Everything has gone'. 'Camila's' father was charged and later found guilty of the sexual abuse.<sup>89</sup>

In the *Catholic Church authorities in Ballarat* case study, BAC told us that he was sexually abused by a religious brother at St Alipius Boys' School and by an older boy at St Patrick's College in Ballarat, Victoria, in the early 1970s. BAC said that many of the survivors from the Catholic community had been ostracised 'because people don't understand what has happened'.<sup>90</sup> BAC gave evidence that:

In my experience some of the Catholic community either don't believe that it has happened or think that you are trying to destroy the church. I feel the Catholic community doesn't take ownership of the problem. After my brother and I came forward about our abuse, my family lost Catholic friends. It was never blatant and people just slowly drifted away ... When I was growing up, we didn't mix with people from other religions. As kids we didn't even sit with non-Catholic kids on the bus. Anyone who called our community into question was sidelined.<sup>91</sup>

In the *Anglican Diocese of Newcastle* case study, CKA told us he was threatened after disclosing that he had been sexually abused by an Anglican priest in Newcastle.<sup>92</sup> CKA gave evidence that Father George Parker<sup>93</sup> sexually abused him for five years, beginning when he was 10 years old, from 1971 to 1975.<sup>94</sup> CKA also told us that he later reported the sexual abuse to the diocese and the police, and that as a result of disclosing, he has been the victim of threats, intimidation and ostracism by the local Anglican community:

I've had nails put in my tyres, my car windows broken and have received numerous death threats directed towards myself, my children and my grandchildren. I had an elderly woman who was involved with the Church, spit on me and say 'you're nothing but a troublemaker' ... There was an entire weekend of threats [over the telephone], just over and over and over, texts [sic] threats, ringing up, texting, threatening harm to me, my children, my grandchildren.<sup>95</sup>

We also heard evidence that the former Anglican Bishop of Newcastle, Bishop Gregory Thompson, experienced a backlash from sections of the Anglican community in the Diocese of Newcastle when he publicly disclosed in 2015 that he had been sexually abused in the 1970s by Bishop Ian Shevill and another senior member of the Anglican clergy.<sup>96</sup> Bishop Thompson's disclosure prompted Anglican parishioners and lay people from the Diocese of Newcastle to send a letter to several Anglican Church authorities and to the Royal Commission outlining a list of concerns about him. These included suggestions that Bishop Thompson had 'besmirched' the good name of Bishop Shevill; that Bishop Shevill's behaviour may have been 'misinterpreted'; and that Bishop Thompson had possibly exposed other younger members of the diocese to risk by not acting to report Bishop Shevill earlier.<sup>97</sup> Bishop Thompson told us that, when he became aware of these letters, he felt publicly shamed and intimidated and also felt a 'deep sense of betrayal'.<sup>98</sup> Bishop Thompson said that these letters formed part of a pattern or practice of public harassment, intimidation and vandalism which he and his staff experienced at the hands of people within the diocese who were aggrieved by his leadership and the discipline of clergy.<sup>99</sup> In March 2017, Bishop Thompson announced his intention to resign as Bishop of Newcastle effective 31 May 2017.<sup>100</sup>

## 10.5 Distrust of authority

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[I said], ‘This is not a confession. I need to talk to you about something’ – and I told him what these priests were doing. And he just said, ‘There’s some things God does not want you to talk about. How dare you. Go away. Say 10 Hail Marys and three Our Fathers’. That was the last time I trusted authority.<sup>101</sup>

**Private session, ‘Norman Edgar’**

One of the distinctive impacts of child sexual abuse in institutions that we heard about in private sessions was an ongoing distrust and fear of institutions and authority. Many survivors told us that they had an unquestioning trust in institutions before they were sexually abused. After they were sexually abused they felt betrayed and lost trust in the institution. This was a common theme we heard about across many institutions, including religious institutions and institutions under other management. This feeling of ‘institutional betrayal’ – when trusted and powerful institutions act in ways that harm those dependent on them for safety and wellbeing<sup>102</sup> – can exacerbate the trauma of child sexual abuse as well as have its own distinct impacts.<sup>103</sup>

‘Kent Anthony’ and ‘Spiros’ told us during private sessions that each of them was sexually abused in separate Victorian Salvation Army homes. ‘Kent Anthony’ was sent to one home as a young boy in the 1960s. ‘Spiros’ was sent as a teenager in the 1960s. They each told us that their distrust of authority has had a profound impact on their lives. As a result, ‘Kent Anthony’ said he has problems dealing with government departments.<sup>104</sup> ‘Spiros’ said he trusts no one:

When things like that happen to you, who do you trust? You don’t trust anybody and that goes through life. When you start early and something like that happens to you, you say to yourself ‘Look you can’t trust anybody. Everybody’s a danger to you’.<sup>105</sup>

Survivors also told us they lost trust in authority figures as a result of experiencing child sexual abuse in institutional contexts. We heard that this loss of trust was particularly profound for those who were abused by people in religious ministry or by other perpetrators in religious contexts. As one survivor put it: ‘I cannot possibly explain the impact that [the] abuse has had on me as a person. I can never forget what he did ... After all, if the family priest can sexually abuse you, who can you trust?’<sup>106</sup>

Some survivors told us that subsequently they had a deep distrust of authority and saw anyone in authority as the enemy, whether it be a person in religious ministry, the specific religious institution or the broader religious organisation.

In the *Catholic Church authorities in Ballarat* case study, Associate Conjoint Professor Quadrio gave evidence that religious organisations can be ‘highly controlling ... with a strict hierarchy ... and rigid in their approach’.<sup>107</sup> This can make it even harder for survivors of child sexual

abuse in religious contexts to trust anyone in authority. For example, in the same case study, Mr Paul Auchetl gave evidence that as a result of his experience of child sexual abuse at St Alipius Boys' School in Ballarat, he had a 'hatred for authority and men who dress up in the name of the clergy'.<sup>108</sup>

'Mirabella' told us in a private session that in the 1980s when she was 12 years old, she and three of her brothers were taken away for a week's holiday by a previously friendly and affectionate Catholic priest, 'Father Percy Garrison'. 'Mirabella' told us that 'Father Garrison' sexually abused them all, resulting in a suicide by one brother and several suicide attempts by another. 'You didn't know that you could ever say no.' Mirabella told us that now she distrusts all priests and is triggered with memories when she sees men with beards, like 'Father Garrison' had at the time. She said, 'We were the perfect prey – so trusting and the Church knowingly sent him to us, and he has harmed our family in a way that we can never recover from.'<sup>109</sup>

We heard that secondary victims – such as parents and whistleblowers – can also lose their trust in authority as an impact of child sexual abuse. Ms Ann Ryan, a former teacher at St Colman's School in Mortlake, Victoria, gave evidence in the *Catholic Church authorities in Ballarat* case study. She told us she was threatened with dismissal from her position as a teacher because she tried to reveal the child sexual abuse perpetrated by Father Ridsdale in the early 1980s.<sup>110</sup> She indicated that, as a result of the poor institutional response to the sexual abuse, she lost her trust both in the Catholic Church and in general:

I no longer practise the Catholic faith or participate in any church-related activities. This is because of my loss of trust in church authorities and what I perceive to be their double standards. Finding out about child sexual abuse in the Catholic Church, and the response of the Church, has affected my ability to trust in general, and especially trust authority and authority figures. I am much more cynical than I used to be and I am regularly concerned when I see adult men with younger children.<sup>111</sup>

## 10.6 Pregnancy

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I was fat and getting fatter ... Then one day I got taken to the doctor. And I don't really remember all of it, but I know after, my 'tummy' had gone.<sup>112</sup>

**Private session, 'Ethel Ann'**

For some victims, child sexual abuse results in pregnancy. Of the 2,239 female survivors in private sessions who discussed impacts, we heard that child sexual abuse resulted in pregnancy for 71 female victims (3.2 per cent). Volume 3, *Impacts*, discusses the impacts of child sexual abuse, including pregnancy, in detail.

Some survivors told us they became pregnant after being sexually abused as children by people in religious ministry, such as church elders, religious brothers or priests. In some cases we heard this led to miscarriage. In other cases we heard that it led to forced adoption, abortion or marriage.

In the *St Joseph's Orphanage, Neerkol* case study, we heard from Ms Margaret Campbell, a former state ward at the orphanage.<sup>113</sup> We heard evidence that as a result of the sexual abuse Ms Campbell suffered at the orphanage as a child, she became pregnant.<sup>114</sup> Ms Campbell said that while she was in labour at the Good Shepherd home in Brisbane she was told 'that I was having the devil taken out of me. I did not comprehend properly what happened'. The baby was born in 1966, when Ms Campbell was 14.<sup>115</sup> Ms Campbell told us that her baby was taken from her by one of the nuns. She does not know what happened to the baby. She told us that it was only 'later in life' that she 'realised the true nature of what happened'.<sup>116</sup>

'Joy' told us in a private session that she had been sexually abused by 'Father Mansell' from the time of her arrival at a Sisters of Mercy orphanage in Victoria in the 1950s. At the age of 15, she became pregnant. She did not realise that she was pregnant until she was informed by a doctor. A short time later, 'Joy' was taken by two junior nuns to a suburb in Melbourne and given an abortion. The nuns told her it was not a pregnancy because she was not married. She said, 'No one ever recognised it, no one ever seemed to want to. That was my little baby they killed. Somehow I want them to recognise it, I don't know, to pay for it ... It could have been my little girl that I never had'.<sup>117</sup>

'Darlene' told us that when she was 16 years old she tried to tell 'Father Murphy' that she was being sexually abused by 'Father Lambert', her parish priest in Queensland in the 1960s. 'Father Murphy' agreed to meet her alone and discuss it with her. When 'Darlene' arrived, 'Father Murphy' immediately suggested they have sex. 'Darlene' refused, but 'Father Murphy' forced her down onto a kitchen table and raped her. 'Darlene' told us that she conceived a child from this rape, and 'Father Murphy' gave her money to procure an abortion. She refused. Her mother and some priests then took her to a 'labour home' for unwed girls run by religious sisters, who put her to work in a commercial laundry 'right up until my waters broke'. 'Darlene' told us that the baby was taken from her and adopted out. Despite everything, 'Darlene' believes her religious faith has helped her to cope. 'Even though I have no faith in the Catholic Church ... I still will not let them cheat me out of my belief in God and that there is a loving God who one day will call me to himself', she said.<sup>118</sup>



'Leonora', whose parents were devout members of the Jehovah's Witnesses, told us in a private session that she was sexually abused by both her father and 'Jim Carter', who was a well-respected member of their Jehovah's Witnesses congregation. 'Leonora' told us that when she reported the sexual abuse she 'was brought before my father' in a meeting with the overseer and another man and questioned about her accusations against her father and 'Carter'. Her father told the men that she was a liar. 'Leonora' told us that he was not reprimanded, and 'Leonora' was told to read the Scriptures. At the age of 15 or 16, she overdosed on pills. Ending up in hospital, 'Leonora' did not want to leave, as she 'felt really safe' there. She said she begged them not to send her home, but the hospital discharged her into her father's care, after which he beat and sexually abused her for three days before she escaped. 'I was not a virgin then', 'Leonora' said. She soon realised that she was pregnant and was quickly married to another man before the birth. Her son was born when she was 16 years old, but he lived for less than a day.<sup>119</sup>

We also heard about church officials who were working in missions and related institutions who sexually abused girls living in those institutions and fathered children as a result. 'Dina' told us in a private session that she was sent to a Catholic-run Aboriginal mission in Western Australia in the late 1960s, where a number of girls became pregnant after being sexually abused by priests.<sup>120</sup> At another private session, 'Boyd Charles' told us that in the late 1950s he lived at a Protestant-run Aboriginal mission in Western Australia, where the missionaries regularly sexually assaulted boys and girls. 'Boyd Charles' told us he knew of girls who became pregnant as a result of the sexual abuse and that they were forced to surrender their babies.<sup>121</sup>

'Sherrill' told us in a private session that from the 1950s she lived at a Presbyterian-run Aboriginal mission in Western Australia for 10 years. She recalled that while the women missionaries were having their prayer meetings, their sons and their friends would break into the dormitories where 30 Aboriginal girls slept 'and rape whatever girl they wanted'. 'Sherrill' told us that she was first raped by one of these boys at the age of nine. She believes that at least six of the girls, some of them her relatives, became pregnant after being raped. They were sent to a hospital for unmarried women in Fremantle, Western Australia, on the mission's pretext that they had 'gone for a holiday'. Once the babies were born, they were adopted out. 'Sherrill' later married a man who 'used to continuously rape me, belt me'. She found it was having children that saved her. She told us:

I started having children of my own. And I looked after everybody – the homeless, the poor, the drunks. I kind of loved everybody, not myself most of the time, but that kept me going. I was kind of strong enough to think that God put me on earth ... to help people.<sup>122</sup>

'Cassandra' told us in a private session about her experiences in a Church of Christ Aboriginal Mission in Western Australia. 'Cassandra' said that she was physically and sexually abused at the mission and recalled that when she was about 12, in the early 1970s, one of her classmates became pregnant and was taken away. 'Cassandra' said she was sure the missionaries' wives would have known that the superintendent was abusing the children, but they never spoke up.<sup>123</sup>

What we heard about such experiences is consistent with those documented in *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Bringing them home)*.<sup>124</sup> The large proportion of young Aboriginal and Torres Strait Islander women who became pregnant while sent out from missions on work placements was well known to the institutions and state authorities by the mid-1900s.<sup>125</sup> The standard practice was to send pregnant girls back to the mission or dormitory to have their babies. Their babies would then be forcibly removed and the process of assimilation of half-caste children into the white population continued.<sup>126</sup> What we heard is also consistent with the experiences documented by the 2004 Senate Community Affairs References Committee Inquiry into Children in Institutional Care. This committee received many submissions ‘that provided stories of teenage girls falling pregnant and having their child removed at birth and adopted even though they desperately wished to keep their baby’.<sup>127</sup> In its report, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, the committee stated that the removal and adoption of babies ‘was often undertaken by duress or in some cases deception’.<sup>128</sup>

## 10.7 Impacts on communities

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I want to see the Church working to stop the suicides. I want people to stop dying.<sup>129</sup>

**Survivor, BAC**

### 10.7.1 Impacts on religious communities

We heard that the impacts of child sexual abuse in institutional contexts can ripple beyond the individual to also affect the victim’s family, community and wider society. Volume 3, *Impacts*, discusses these ripple effects across all institutional contexts.

During our inquiry we heard that communities can be collectively impacted by child sexual abuse in institutional contexts. It can lead to a collective sense of trauma, shame or betrayal.<sup>130</sup> We also heard that affected communities can become fractured and divided, particularly when child sexual abuse is revealed to be extensive or when institutions attempt to conceal the abuse.

We heard about religious communities around Australia that experienced significant impacts when allegations of child sexual abuse in religious institutions came to light. Survivors and their family members spoke about members of religious communities feeling as though they had been betrayed by religious leaders and institutions they had believed in, revered, and entrusted their children to.

In the *Catholic Church authorities in Ballarat* case study, Mr Paul Auchettl, a survivor of child sexual abuse, told us, 'There is a sense of betrayal of the community that were giving themselves so openly and wholly to these people and to the church.'<sup>131</sup>

In *Case Study 45: Problematic and harmful sexual behaviours of children in schools*, we heard from EAM, whose daughter CLF was sexually assaulted by other students at Shalom Christian College in Queensland, a school that caters for day students and boarders from regional and remote Indigenous communities and is affiliated with the Uniting Church. EAM told us that the sexual abuse and the school's response affected the community's capacity to trust the school:

I want to say to Shalom, [Shalom principal at the time, Mr Christopher] Shirley and the board of directors, you didn't just fail my daughter, you failed a lot of other kids, their parents and the communities they come from. Those parents trusted you, we trusted you. When a school backs the perpetrators and the institution and does nothing to help the victim, that's wrong. Not just your policy is wrong, but you are wrong as people. I am ashamed of you.<sup>132</sup>

We also heard that the cohesion of religious communities can be shattered when child sexual abuse – and poor institutional responses to that abuse – come to light. We heard about the divisive impact that child sexual abuse can have on religious communities in our *Catholic Church authorities in Ballarat* case study. As discussed in Section 10.4 above, we heard about survivors being ostracised by the Catholic community in Ballarat, Victoria, after disclosing child sexual abuse. One survivor, BAP, gave evidence that child sexual abuse had fractured the Catholic community in this regional city:

I think institutional child sexual abuse has split the Ballarat community into factions. Some people are starting to talk to survivors about it and are starting to understand the impact. There are others in this community that block it out completely.<sup>133</sup>

Community divisions were also raised by parents whose children experienced sexual abuse in religious schools. In *Case Study 6: The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes*, we were told by KO, the mother of a victim, that divisions within their school community emerged as the extent of the child sexual abuse came to light:

Neither the Bishop nor anyone from the CEO or [the primary school] contacted us personally by phone during or after the criminal process. However, when I went to the court proceedings there were always people there supporting [the primary school]. They wore red ribbons and completely ignored us. The only people who were there supporting us were the parents of other abused children.<sup>134</sup>

We heard that child sexual abuse was particularly divisive in religious communities that could be described as 'closed' or separate from the broader community. As discussed in Section 10.4 above, we heard about the divisions created in some Chabad-Lubavitch communities and some Jehovah's Witnesses congregations when allegations of child sexual abuse were raised.

In the *Yeshiva Bondi and Yeshivah Melbourne* case study, AVC, the wife of survivor AVB, gave evidence about the impact of child sexual abuse on the community:

I ... watch with horror as my community, the Jewish community, has responded to the knowledge of child sexual abuse with a type of moral destitution. Our community has become a reincarnation of Salem Massachusetts of 1692 and the devil is everywhere ... Under the guise of moral opprobrium, the community is coming apart at the seams.<sup>135</sup>

During our inquiry, we heard about victims of child sexual abuse in religious institutions who had attempted to take their own lives or had died by suicide. Suicidality as an impact of child sexual abuse is discussed in Volume 3, *Impacts*. Thoughts of suicide and attempted suicides were some of the most common impacts of child sexual abuse we heard about during private sessions.

When a victim of child sexual abuse dies by suicide, the impacts can ripple out beyond the victim's family to also affect other victims and the wider community. We heard about these impacts in various religious communities, including the Catholic community in Ballarat, Victoria, and the Catholic and Anglican communities in Newcastle, New South Wales.

While giving evidence during the *Catholic Church authorities in Ballarat* case study, Mr Philip Nagle held up a photograph of his Grade 4 class at St Alipius Boys' School in Ballarat and said, 'I have a photograph of my Grade 4 class at St Alipius. There are 33 boys in that image. Of the 33 boys in that image, I know that 12 are dead. I believe they committed suicide'.<sup>136</sup> Mr Nagle then asked for a minute's silence in their memory, saying:

I would like all those here today to take some time now to reflect and remember our classmates; our classmates who could not come to terms with the trauma and hurt caused by the abuse they suffered; our classmates who took their own lives to end their suffering.<sup>137</sup>

In the same case study, Mr Paul Auchetti told us of the impact of suicide on the Ballarat community:

One of the turning points in my life was seeing the front page of our local newspaper, the *Ballarat Courier*, a few years ago. The front page simply had 40 crosses on it, each representing the suicides in the community thought to be related to the abuse by Best and Ridsdale. These suicides were all of people who were my age or up to five years younger. I felt like the community was unable to reach out to these families who had suffered so much.<sup>138</sup>

In the *Catholic Church authorities in Maitland-Newcastle* case study, we heard evidence that a number of former students from Marist Brothers Hamilton had taken their own lives, which several survivors believed was because of the sexual abuse they had suffered at the school. CQT, who gave evidence that he was sexually abused by certain Marist Brothers, spoke about the death by suicide of his younger brother, Andrew, when Andrew was 13 years old. CQT went on to describe the wider impact of the suicides:

A major impact on the community in my opinion has been the number of suicides of boys who went through Marist Brothers Hamilton, not only of my brother, Andrew, but also of many former students, including friends. Something that is important for me to mention is the suicide of one of my classmates, who was in my class at Marist Brothers Hamilton. He made complaints to police about sexual abuse by the Marist Brothers in recent years. He took his own life this year. I see a connection between Andrew's death and my friend's death as linked to abuse by the Marist Brothers. One of my friends who was an altar boy in Hamilton with me died a tragic death in 1976, aged 19. He was a pallbearer at Andrew's funeral in 1974 at the Sacred Heart Church in Hamilton ... It feels like wave after wave of the kids dying from the 1970s until now.<sup>139</sup>

During our case studies, we heard of some failures by Catholic Church authorities to provide information or support to communities affected by child sexual abuse. In some cases, Catholic Church authorities avoided or resisted meeting with affected communities and failed or refused to provide support to communities who needed and/or requested it. In others, information was withheld from the community, which meant that people were not alerted to possible cases of child sexual abuse or were left with unanswered questions. These issues are discussed in Section 13.9, 'Catholic Church responses to victims and survivors after the development of national procedures'.

### 10.7.2 Impacts on Aboriginal and Torres Strait Islander communities

Research has indicated that the impacts of institutional child sexual abuse for Aboriginal and Torres Strait Islander survivors are entwined with the impacts of forced removal from their families and cultural destruction, and that these impacts have community-wide and intergenerational effects.<sup>140</sup> The forced institutionalisation and widespread abuse, including sexual abuse, of Aboriginal and Torres Strait Islander children has had profound cultural and collective impacts that have been transferred across generations.<sup>141</sup> Under racially discriminatory 'protection' laws and assimilation policies, in place until the late 1960s in some jurisdictions,<sup>142</sup> children were forcibly removed from their families in order to prevent them from learning their own culture.<sup>143</sup> In 1997, the Australian Human Rights Commission report *Bringing them home* found that:

Institutionalised Indigenous children faced a hazard over and above that experienced by institutionalised non-Indigenous children. This was the continual denigration of their Aboriginality and that of their families.<sup>144</sup>

Aboriginal and Torres Strait Islander survivors told us that community cohesion and functioning had been affected by the sexual abuse of children in missions and related institutions managed by religious organisations.<sup>145</sup> We heard that community and family relationships were harmed by the stigma and shame associated with sexual abuse and this impeded the handing down of cultural practices and beliefs.<sup>146</sup> In *Case Study 17: The response of the Australian Indigenous Ministries, the Australian and Northern Territory governments and the Northern Territory police force and prosecuting authorities to allegations of child sexual abuse which occurred at the Retta Dixon Home*, survivors gave evidence that they were separated from family and community and lost connection with their Aboriginal culture and heritage.<sup>147</sup>

In a private session, ‘Carl’ described the ‘brutal’ treatment he received in a Methodist mission in Western Australia in the early 1950s. He was placed in the mission when he was nine years old. ‘Carl’ told us he was sexually abused and that there was a deliberate erosion of his language and culture: ‘[At the mission] each time you spoke your language you were flogged. Any time you did something cultural, meaningful for yourself – you were flogged.’ He said, ‘we were there to become Christian; and we were there to lose all our nativeness’.<sup>148</sup>

‘Merle’ also spoke in a private session about the suppression of her connection to family and culture in an orphanage run by the Sisters of Mercy during the 1950s. ‘I had a wonderful childhood – up until the age of seven’, ‘Merle’ said. ‘But going into the orphanage, I was lost. I had no family. None of us knew family, nothing ... we were not allowed to mix with family, so family was taken away from us’. ‘Merle’ told us that as an adult she has tried to reconnect with her culture, working in areas in which traditional laws and spiritual practices still thrive.<sup>149</sup>

Another survivor, ‘Helen Diane’, told us in a written account about experiencing child sexual abuse during the 1940s in an Aboriginal mission in Western Australia, run by the Benedictine order of priests. She wrote, ‘why was our aboriginal culture taken from us we weren’t heathens only to be replaced by the [European] culture and catholic religion’. She wrote of the anger she feels ‘because of the system that robbed me of a childhood, a childhood of my culture, a childhood of my family ties and their beliefs’.<sup>150</sup>

In Volume 3, *Impacts*, we discuss how the scale of the collective trauma from the removal and sexual abuse of children in both religious and non-religious institutions has disrupted the social fabric of many Aboriginal and Torres Strait Islander communities.

## 10.8 Resilience of survivors

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I do what I can to make sure that my kids in my community are aware that they've got somebody they can come to regardless of what it's about. But I'm also making sure that the powers that be are aware that they have a role and responsibility towards those children and to the family ... This is not just about me. This is about other children that I know of. I just might be the first person who's actually come forward and a lot of the time you take the fear away ... I have to actually step up and show people that you can do this, and you can be better for it.<sup>151</sup>

**Private session, 'Tina Jane'**

We heard that survivors of child sexual abuse used a variety of coping and survival strategies to overcome the trauma of the abuse they experienced. These included drawing on supportive relationships, seeking therapeutic assistance, and drawing on sources of strength and meaning.

Research has identified some internal factors associated with resilience in victims of child sexual abuse,<sup>152</sup> including optimism and hope, understanding and managing emotions, interpersonal competence and trust, and external attribution of blame. One review explained that, as sexual abuse is a traumatic event, re-establishing interpersonal and emotional competence afterwards may play a role in preventing the adverse effects of child sexual abuse.<sup>153</sup> Some studies suggested that seeking social support and problem-focused coping is associated with greater resilience for children, adolescents and adults.<sup>154</sup> Other studies suggested that, if a victim can externally attribute the blame for sexual abuse, this can reduce the feelings of guilt and shame, which are often debilitating emotional impacts.<sup>155</sup> Volume 3, *Impacts*, outlines what we heard from survivors, their families and experts about coping strategies, and discusses research on resilience among survivors of child sexual abuse.

As discussed in Section 10.1 above, many survivors told us that they lost their religious faith as a result of being sexually abused as children in religious institutions. However, other survivors told us that it was their religious faith that helped them to cope.

Some studies have found that spirituality or being part of a religious group are factors associated with the resilience of victims and survivors.<sup>156</sup> This is reflected in what some survivors told us in private sessions.



'Roddick', who told us he was sexually abused in the 1950s by several religious brothers at a Western Australian Catholic boys' home, described how his faith remained important to him:

I like reading the Bible. It's strengthened my faith. It's not [God's] fault, it's their fault. [God] gave us free will and we're free to choose what we will. That's helped me. I treat others the way I like to be treated. Religion is man's way to God but Christianity is God's way to man. I don't want to sound like a Bible basher, but that's kept me sane.<sup>157</sup>

We also heard from 'Joni' in a private session, who told us she was raped by a Catholic priest in the late 1960s but had kept the sexual abuse buried deep for most of her life. After 40 years she decided to let the experience re-surface, because she wanted to reclaim her faith. Child sexual abuse, she said, 'takes away something that your spirit so deeply needs. You can get by physically, mentally, logically; you can put all those parts of the puzzle together, but not that spiritual side'. 'Joni' approached the Anglican Church and ended up speaking to three female priests. She said the help that they have given her has been vital to her recovery.<sup>158</sup>

Mr Paul Tatchell, a survivor of child sexual abuse at St Patrick's College in Ballarat, Victoria, where he was a student in the 1970s, told us in the *Catholic Church authorities in Ballarat* case study that he has never been able to 'let it go', but at the same time 'I've never let it get to me and I never will'.<sup>159</sup> He attributed his resilience to the fact that he was able to confront the perpetrator of the abuse, Brother Edward Dowlan, in court. He said that, despite experiencing sexual abuse as a child, his faith in God has endured:

I'm still a Catholic, believe it or not ... Catholicism is still a great metaphor for human guidance. It's a human element that has lost its way. I still follow the principles of Catholicism. I don't go to church, I just choose to cut out the middleman and go straight to the boss.<sup>160</sup>

Some survivors indicated that they blamed the individual perpetrator for the sexual abuse, not the religious institution or religion more generally.

'Jemma' told us that her anger is reserved for 'Father Morrison' – a local priest who first started sexually abusing her in her family home when she was 14 and continued for a number of years. 'Jemma' has kept the sexual abuse secret for most of her life. More than 50 years after it occurred, 'Jemma' opened up to her cousin. She does not blame the Catholic Church for what happened, and her faith in God is still strong.<sup>161</sup>

BAC, a survivor of child sexual abuse from Ballarat, Victoria, told us that it had been a continual battle, but he had remained resilient:

It was very traumatic being a teenager and forming relationships. I had lots of trouble with relationships, especially with men. I also had lots of trouble at school and being able to finish school. I struggled playing footy and in other group male situations. I am always wary and cautious. I have been married for a long time and have been lucky enough to get into a stable relationship. When I had my son I was really cautious and questioned everything that I did, particularly when my son reached the age when I was abused. The idea that the abused becomes the abuser has always played on my mind. There is not a week that goes by that the abuse doesn't crop up in my life. It is always there in the back of my mind. I'm ruthlessly determined not to let it destroy my life. I don't talk about it a lot but it certainly does affect my relationships. I have good and bad days and I force myself not to let the sexual abuse ruin my life.<sup>162</sup>

Volume 9, *Advocacy, support and therapeutic treatment services*, examines what we learned about the advocacy and support and therapeutic treatment service needs of victims and survivors of child sexual abuse in institutional contexts, and outlines recommendations for improving service systems to better respond to those needs and assist survivors towards recovery.

# Endnotes

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- 4 Transcript of CK, Case Study 3, 18 November 2013 at 1629:32–33.
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- 6 Transcript of CK, Case Study 3, 18 November 2013 at 1632:17.
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- 20 Transcript of BAP, Case Study 28, 19 May 2015 at 8178:42–8179:1.
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- 26 Transcript of ST Woods, Case Study 28, 21 May 2015 at 8339:12–18, 8340:38–8342:21, 8343:25–33, 8348:31–32.
- 27 Transcript of ST Woods, Case Study 28, 21 May 2015 at 8348:3–7, 27–33.
- 28 Transcript of BAB, Case Study 28, 20 May 2015 at 8261:40–8263:4; 8266:9–47.
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78 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions*, Sydney, 2016, pp 16–7, 19.

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81 Royal Commission into Institutional Responses to Child Sexual Abuse *Report of Case Study No 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions*, Sydney, 2016, p 16.

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- 118 Name changed, private session, 'Darlene'.
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# 11 Disclosure of child sexual abuse in religious institutions

I did disclose to the nuns. Or a nun, who told me that little girls who tell lies go to hell. So I never told anybody after that ... If that nun had've not said what she said to me, then maybe I would've gone home and told my mother.<sup>1</sup>

**Private session, 'Gena'**

Many survivors of child sexual abuse told us about their experiences of disclosing abuse. We learned that disclosure was often a process, not a one-off event, and that some survivors disclosed in different ways to different people throughout their lives. We also learned that for many survivors it can take years or even decades until they feel they can disclose their experience. Some survivors may never tell anyone that they were sexually abused.

Volume 4, *Identifying and disclosing child sexual abuse*, discusses the identification and disclosure of child sexual abuse. It considers why victims disclose, who they tell and when, and discusses barriers to disclosure. From the victim's perspective, these barriers may include feelings of shame and embarrassment, fear or experience of a negative response, attitudes to sexuality and gender, and uncertainty about what constitutes abuse. Difficulties communicating about abuse are also considered, including where they may relate to a victim's age, disability or limited English language skills.

Volume 4 also discusses barriers to disclosure created by perpetrators' behaviour, and institutional barriers to identifying and disclosing abuse across the range of institutional contexts we examined during our inquiry.

This chapter focuses on what we learned about experiences of disclosure, and barriers to disclosure, for survivors of child sexual abuse in religious institutions. While many aspects of disclosure appeared to be common across various institution types in which children experienced sexual abuse, we heard that there were some distinctive aspects for those who were abused in religious institutions. From a victim's perspective, these included fear of disclosing to their devout religious family, fear of disclosing because of attitudes to sex and sexuality in their religious community, fear of being ostracised by their religious community, and reluctance to 'bring shame' on their religious organisation.

We heard that perpetrators of child sexual abuse in religious institutions created barriers to disclosure through various strategies, including grooming or psychological manipulation of victims, threatening victims, and punishing victims who did disclose. These strategies were often employed with religious overtones.

We also heard about institutional barriers to disclosure of child sexual abuse in religious institutions including cultures of secrecy and of abuse; religious beliefs and practices that acted as barriers to disclosure; inappropriate responses to children who disclosed abuse, including during religious confession; and non-existent or inadequate avenues for victims to disclose abuse.

While some of these factors may also have been present in other institutional contexts, in religious institutions they were often exacerbated by an overarching context in which people in religious ministry were revered and feared. We heard that the status and authority afforded to people in religious ministry prevented many victims of child sexual abuse from disclosing their experiences of abuse by people in religious ministry.

## 11.1 Timing of disclosure

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I didn't tell anyone. I didn't tell any of the other kids in the home, I didn't tell any relatives at all. I think that would be applicable to a lot of people that were affected by, victims of these paedophiles. It's not the sort of thing you talk about ... It can be sort of 50, 60 years later when you start talking about it.<sup>2</sup>

**Private session, 'Archie'**

In private sessions and public hearings we heard from survivors of child sexual abuse in religious institutions who told us about their experiences of disclosing abuse. These included disclosures to various people including family members, friends, and officials or staff members in religious institutions and other institutions such as police forces.

Many survivors told us they were not able to disclose the abuse for a very long time. Survivors of child sexual abuse who spoke with us during private sessions took, on average, 23.9 years to tell someone about their experience of abuse.<sup>3</sup>

In private sessions held up to 31 May 2017, of the 4,029 survivors who told us about child sexual abuse in religious institutions, the majority (3,588 survivors or 89.1 per cent) told us when they first disclosed the abuse. Of these, 2,181 survivors (60.8 per cent) disclosed for the first time when they were an adult and 1,407 survivors (39.2 per cent) disclosed as a child. These figures are broadly consistent with those for survivors who experienced child sexual abuse in institutions under other management.<sup>4</sup> They are also consistent with research which suggests that many people who were sexually abused as children do not disclose their experience of abuse until adulthood.<sup>5</sup>

Some survivors who told us they had been sexually abused as children said they had not previously disclosed the abuse. Of the 4,029 survivors who told us in private sessions about child sexual abuse in religious institutions, 3,342 survivors (82.9 per cent) provided information on who they had disclosed to. Of those, 284 survivors (8.5 per cent) said they had not disclosed their experience of sexual abuse to anyone prior to telling the Royal Commission.

The Catholic Church claims data showed that the time between the first alleged incident of child sexual abuse and the date when the claim was received by the relevant Catholic Church authority was more than 30 years in 59 per cent of claims, and more than 20 years in 81 per cent of claims.<sup>6</sup> The average time between the first alleged incident date and the date the claim was received was 33 years.<sup>7</sup>

The Anglican Church complaints data showed that the time between the first alleged incident of child sexual abuse and the date the complaint was received by the relevant Anglican Church diocese was more than 30 years in 51 per cent of complaints, and more than 20 years in 70 per cent of complaints.<sup>8</sup> The average time between the first alleged incident date and the date the complaint was received was 29 years.<sup>9</sup>

Many of the people who have made a claim or complaint, to either a Catholic Church authority or to an Anglican Church diocese, may have disclosed to someone else prior to making a claim or complaint. However, the average delay is consistent with a majority having made a claim or complaint in adulthood. The delay in making a claim or complaint to an institution is also an indicator that the process of disclosure can often occur over a period of decades.

Volume 4, *Identifying and disclosing child sexual abuse*, considers disclosure of child sexual abuse in further detail, including who victims disclose to, when and why.

## 11.2 Barriers to disclosure from the victim's perspective

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Mum refused to believe that a religious person would do the things I'd told her, and she said I should be ashamed to say things like that ... Me becoming a Brother made Mum someone in the Catholic community. I've spoken to a few blokes who left the seminaries and they said that their mothers were exalted [when they joined]. I think that's probably why Mum couldn't believe it. I dashed her hopes.<sup>10</sup>

**Private session, 'Conal'**

### 11.2.1 Fear of disclosing to devout religious families

During our inquiry we heard that in devout religious families, parents and other adults often had such a high regard for people in religious ministry that they trusted them almost without question. Survivors of child sexual abuse told us that the status afforded to people in religious ministry meant they could not disclose to their families that they had been sexually abused by such people. Research has also noted that, for family members, the possibility of child sexual abuse by trusted religious leaders can be shattering.<sup>11</sup>

*In Case Study 13: The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton (Marist Brothers), Mr Damian De Marco gave evidence that he was sexually abused by his teacher, Brother Kostka Chute, in 1981 at Marist College Canberra. He said that he could not tell his parents because he came from 'a very devout religious family' and 'didn't feel that my parents would have supported me'.<sup>12</sup> Mr De Marco went on to say:*

I also felt it was pointless to tell anyone because it would have been his word against mine and I thought that because he was such a 'Godly figure', he would automatically be believed over me. The church and school instilled a culture where children and members of the congregation became followers and silent obeyers.<sup>13</sup>

'Joan' told us in a private session that she could not tell her mother that she was being abused by the Catholic parish priest when she was seven years old because her mother was so devout. She said, 'The more religious your parents are, the harder it is to tell them something'.<sup>14</sup> Similarly, 'Helen Mary' told us in a private session that the sacred status of priests within the Catholic community made it impossible for her to tell her family or teachers about the priest who raped her in a backroom behind the altar. 'When you've been brought up Catholic, the priest is up there like with God ... You don't say anything bad against the priest, and they're quite good at manipulating young minds, to be truthful'.<sup>15</sup>

Two survivors who were brothers spoke to us in a private session about their shared experiences of growing up in Brisbane in the 1950s, in a family with deeply held Catholic faith. One of the brothers, 'Claude', told us they became altar boys, and that both were sexually abused by 'Father O'Rourke'. 'Joseph', the other brother, told us their father 'created this protective screen around us and the only person he let into that protective screen was 'Father O'Rourke' ... I intuitively felt I could never tell Dad even as a kid not just as an adult'.<sup>16</sup> 'Claude' told us that he was also unable to tell their father. He said:

the priest worked on my father to warn him that certain children were besmirching the reputation of priests with lies and stories. Dad was a police officer and very loyal Catholic so was fertile ground for this kind of lie. He warned us seriously about some children 'telling lies and stories about priests' and we got the message.<sup>17</sup>

'Claude' said that his father's 'regard for the sanctity of the priesthood blinded him to any possibility that we might be telling the truth and needed his help. The only possible recourse we had was denied us'.<sup>18</sup>

Many survivors told us they feared disclosing, or did not disclose, to their devout religious family because they felt they would not be believed. Some children feared their parents would believe the perpetrator – who often held a revered position in the community – over them. In some cases this is what happened. A number of survivors who were sexually abused by people in religious ministry described how their deeply religious parents could not, or would not, believe their disclosures.

In *Case Study 28: Catholic Church authorities in Ballarat (Catholic Church authorities in Ballarat)*, Mr Andrew Collins gave evidence that his family was very religious and he felt that he could not disclose that he was being abused. Mr Collins told us that he was sexually abused by three different religious perpetrators. Mr Collins said that two of the perpetrators threatened that he would go to hell, one of whom also said that his family would be very disappointed in him, and that another perpetrator told him that ‘pain and suffering was a way to get closer to God’ and that his ‘parents would not understand’.<sup>19</sup> Mr Collins also gave evidence that, when he was molested by Brother Peter Toomey, in Year 9 at St Patrick’s College in Ballarat, Victoria, he went home and told his mother. He told us that her reaction was:

‘How dare you make up lies about a Christian Brother. He’s a man of God. As if he would do anything like that.’ She told me that he was a wonderful man and that she’d met him at parent/teacher interviews. My parents belted me and I was grounded.<sup>20</sup>

In the same case study, another survivor, BAV, gave evidence in a statement that he was sexually abused by a priest and by a Christian Brother in the early 1970s. BAV said:

At the time all of these things took place, I felt I wasn’t in a position to tell anyone as I feared I wouldn’t be believed. Priests had so much respect from parents and the like. Catholic families at that time almost idolised the local priests.<sup>21</sup>

In *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*, CKA gave evidence that he was sexually abused by his family’s parish priest, Father George Parker, for five years in the 1970s, before he finally told his mother about the abuse.<sup>22</sup> CKA and his younger brother grew up in a religious family whose lives revolved around the Church. CKA told us:

My mother was very religious so merely by his position as the parish priest, she held [Father Parker] in the highest regard. She really put him on a pedestal. It was like he was as close to being God as she could get ...

At the time, I felt that I couldn’t disclose [Father Parker’s] secret because no-one would believe me. Priests had extremely high standing back then and could do no wrong in the community’s eyes.<sup>23</sup>

Religious family members of survivors also told us about the conflict they felt when their children disclosed to them that they had been sexually abused. In *Case Study 43: The response of Catholic Church authorities in the Maitland-Newcastle region to allegations of child sexual abuse by clergy and religious*, Mrs Audrey Nash gave evidence about her sons’ experiences at their school, Marist Brothers Hamilton in New South Wales.<sup>24</sup> Mrs Nash was 90 years old at the time she gave evidence.<sup>25</sup> Mrs Nash said that in 1972, one of her sons, CQT, told her that the religious brothers at the school were putting their hands down the boys’ pants. She gave evidence that she did not know what to do, so she dismissed his claims and went to her bedroom and prayed. She said:

I suppose I ignored it and I didn't really register what it meant. It had been drummed into me all of my life that the clergy and the religious within the Catholic Church were always right and were not to be questioned. As a result, I had no way of dealing with what [CQT] had told me. I could not confront any of the Marist Brothers, and I didn't feel it was an option to go to the police.<sup>26</sup>

Some survivors told us they could not disclose to their religious family that they had been sexually abused because the perpetrator was a family member and a person in religious ministry. 'Bridget' told us in a private session that 'Father Dawe', her uncle and a Catholic priest, began sexually abusing her when she was four years old. She said that he inspired fear in her because he was a priest and her family were strong Catholics. She felt she could not tell anyone because priests are 'scary, scary people':

What that can do to a child in the fear that it gave me and the fact that I could not tell anybody was because of who he was and the authority that he held. He wasn't just my uncle, he was a Catholic priest.<sup>27</sup>

We also heard that some survivors who did disclose to their religious family were discouraged by family members from making further disclosure. In *Case Study 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse*, we heard evidence that Pastor Frank Houston sexually abused AHA from 1970 over a period of years, when he came to Australia to preach for the Assemblies of God in Sydney.<sup>28</sup> AHA gave evidence that when he told his mother about the abuse she said words to the effect of, 'You don't want to be responsible for turning people from the church and sending them to hell'.<sup>29</sup>

As discussed in Chapter 10, 'Impacts of child sexual abuse in religious institutions', some survivors told us they did not want to destroy their parents' religious faith by telling them that they had been sexually abused in a religious institution. In some cases their reluctance to disclose continued well into their adulthood and some survivors said they waited until their parents had passed away before they finally disclosed. In the *Catholic Church authorities in Ballarat* case study, BAB told us that he did not tell his parents about the abuse at the time as he 'didn't want to shake my parents' faith and I didn't want to devastate them'. BAB said that his father had since passed away, but he still had not told his mother: 'She is elderly, and I would not want to shake her faith. I think that, once my mother has passed away, I will have conversations with my siblings'.<sup>30</sup> Volume 4, *Identifying and disclosing child sexual abuse*, discusses experiences of survivors who delayed their disclosure of child sexual abuse, and Volume 3, *Impacts*, discusses the impacts on survivors of delaying disclosure.

Chapter 10 of this volume discusses the impacts on some religious families who were torn apart when their children disclosed that they had been sexually abused, because parents were unable to believe that people in religious ministry could be capable of child sexual abuse. Some survivors told us that negative reactions from their families to their disclosures led to alienation between them and their family members for years.

## 11.2.2 Fear of disclosing because of attitudes towards sex and sexuality in religious communities

Volume 4 discusses the way in which societal or community views related to gender and sexuality can make it more difficult for victims of child sexual abuse to disclose. Victims may be reluctant to disclose sexual abuse out of fear of being stigmatised. We heard from some survivors that attitudes towards sex in general, and homosexuality in particular, within their religious community or organisation impacted on whether they disclosed their experience of child sexual abuse.

‘Hank’ told us in a private session that he was sexually abused by a Catholic priest, who would give sermons in church condemning homosexuals to eternal damnation. ‘Hank’ said he received no sex education and was confused about his body’s response to the abuse and only realised years later that it was only a physiological response. At the time, however, ‘Hank’ felt shame, embarrassment and guilt about the abuse. He said of the priest:

He never threatened me with harm if I told anybody, but I couldn’t tell anybody anyway. There was the implied threat of eternal damnation for doing it ... The dichotomy was too harsh. He was doing it, but he was telling me that doing it was going to send me to hell.<sup>31</sup>

Another survivor, ‘Devlin’, told us in a private session that he was sexually abused by a lay teacher at a Catholic college. After the abuse, ‘Devlin’ told us that the teacher threatened him about what would happen if he told anyone, and how his father would think he was a homosexual. For years, ‘Devlin’ feared that people would find out what happened to him and assume he was homosexual. He said, ‘My father was the Irish brand of homophobic, the extreme, a very strict Catholic. I just couldn’t have said anything’.<sup>32</sup>

‘Katrina’ told us in a private session that the Pentecostal group to which her family belonged regularly held Bible study meetings in members’ homes. ‘Katrina’ remembers adults sitting in her lounge room praying while the children went out to play. In the early 1980s, when she was four years old, Katrina was sexually abused in a bedroom by ‘Billy’, the 16-year-old son of one of the prayer group attendees. ‘Billy’ forced her to perform oral sex on him telling her ‘it’s okay, it tastes like water’. For years she could not tell anyone about the abuse. She said: ‘I was always afraid to tell my mum ... growing up in such a religious household, sex was not talked about ... I didn’t want to bring shame onto Mum’.<sup>33</sup>

Chapter 9, ‘Characteristics of child sexual abuse specific to religious institutions’, discusses what we heard from some survivors about growing up in religious families and communities with little or no education about sex, and how this contributed to their vulnerability to sexual abuse as children. We heard that, in some instances, a lack of understanding adversely affected victims’ comprehension of child sexual abuse and gave rise to difficulty in communicating with others about the abuse.<sup>34</sup>



In Case Study 22: *The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions (Yeshiva Bondi and Yeshivah Melbourne)*, we heard that, during the period examined in that case study, sex education in Chabad-Lubavitch schools was limited or non-existent and that it was not uncommon for sex education to be given only at the time of marriage. Chabad-Lubavitch communities do not condone sexual behaviour outside of marriage between a man and woman.<sup>35</sup> One witness told us that, outside of marriage, the word ‘sex’ is never uttered. That witness gave evidence that the silence on the subject of sexual behaviour in his community made it very difficult for him to disclose or discuss the sexual abuse he experienced within the community:

I don’t talk about consensual relationships with my wife, and they are perfectly normal. But acts of child sexual abuse are forcible assaults on an individual which are totally against any normal values. It rips you apart. So, if you can’t talk about a consensual relationship, how are you going to talk about something that is just subhuman; and that is why I still don’t want to talk about it.<sup>36</sup>

### 11.2.3 Fear of being ostracised by the religious community

Chapter 10 discusses the impacts of child sexual abuse in religious institutions, including the experiences of survivors who told us that they were rejected or ostracised by their religious community after disclosing abuse. Some survivors told us that the fear of such ostracism prevented them from disclosing that they had been sexually abused, particularly when the perpetrator was a person in religious ministry.

Mr Andrew Collins gave evidence in the *Catholic Church authorities in Ballarat* case study that the fear of an adverse reaction from the Catholic community in Ballarat, Victoria, prevented some victims from disclosing child sexual abuse:

Ballarat is a very Catholic town and the Catholic community is very closed. The Catholic culture is very strong. Coming forward and talking publicly about child sex abuse in Catholic institutions not only has repercussions at the family level, but also at the business and social level in Ballarat. It is these impacts that stops other victims from coming forward. Some of the little towns outside Ballarat are also extremely Catholic. Sometimes the only institutions in these towns are a Catholic Church and a Catholic school. I know of survivors in these towns that have spoken out about child sexual abuse. They have told me that after speaking out they were stood down from clubs where they were lifelong members. It is like they have literally been wiped out of these communities.<sup>37</sup>

We heard that pressure within religious communities could influence a victim’s ability or decision to disclose that they had experienced sexual abuse. This was particularly highlighted by survivors from ‘closed’ religious communities, discussed in Chapter 9.

In the *Yeshiva Bondi and Yeshivah Melbourne* case study, we heard that fear of community ostracism acted as a barrier to disclosure for survivors of abuse. Mr Manny Waks gave evidence that he confided in a classmate that he had been sexually abused by AVP, an adult son of a senior Yeshivah Melbourne rabbi, in 1988. The student told other students and as a result Mr Waks became the subject of widespread taunting and bullying. Mr Waks told us that he was sexually abused by a second person, David Cyprys, in the late 1980s.<sup>38</sup> Mr Waks said that because of the community reaction to his previous disclosure of abuse by AVP, he did not tell anyone that he was being abused by Cyprys. The abuse continued for more than two years.<sup>39</sup>

Another survivor in the same case study, AVB, also gave evidence that he heard ‘something had happened to Manny ... He was subject to jokes and innuendo, mainly behind his back’. AVB told us that the rumours about Mr Waks inhibited AVB from coming forward and disclosing that he too had been sexually abused by Cyprys in the mid-1980s. ‘I did not want this to happen to me, so I did not tell anybody what Cyprys had done to me as a child in Bondi.’<sup>40</sup> AVB said that the rabbis, leaders and teachers at the Yeshivah Centre and college ‘all seemed to be friendly with Cyprys’. He said, ‘I did not feel I could come forward about what he had done to me. I felt that there was something wrong with me, given that Cyprys was so embraced by everybody else’.<sup>41</sup>

AVB gave evidence that he was also sexually abused by Daniel Hayman, when he was a student at Yeshiva Bondi. AVB said that he faced a range of barriers that made him hesitant to disclose the abuse by Cyprys and Hayman, including fear of being ostracised by his religious community:

I was hesitant to assist [police] because of the insular nature of the Jewish community and also because of the prohibition of ‘mesirah’. The prohibition of mesirah is a prohibition against informing on Jews to civil authorities. The punishment for mesirah is spiritual death and ostracisation. I believed that if I assisted police I would be excommunicated from my community and lose my identity.<sup>42</sup>

Survivors of child sexual abuse in the Jehovah’s Witnesses also told us they feared being ostracised by their community if they disclosed the abuse.

‘Toni Lynn’ told us in a private session that she was sexually abused by an older relative who was a member of the Jehovah’s Witnesses. She said that the abuse continued until she was six years old. Even when this relative was charged and appeared in court she was too fearful to openly discuss the abuse, and the relative was found not guilty. She told us that she still faces continued harassment and intimidation from her religious community and is frightened that she may be excommunicated, which would affect her livelihood and wellbeing:

It’s really risky to mention anything like the [Royal] Commission ... because they’ll label you as being apostate [critical of the faith] and that’s a disfellowshipping offence as well. So anything that has a negative spin on it is not to be mentioned really.<sup>43</sup>

Other survivors of child sexual abuse in the Jehovah's Witnesses told us that a fear of damaging their family's reputation within their religious community prevented them from disclosing that they had been sexually abused. 'Rebekka' told us in a private session that she was sexually abused from the age of nine until she was 17, during the 1980s and 1990s, by her father, a ministerial servant in a Jehovah's Witnesses congregation in Queensland. 'Rebekka' told us she was 'too scared' to disclose the abuse to anyone at the time because she wanted to protect her family's reputation. She explained that in her community women have no authority and are taught to be 'submissive to men'. Anything that could tarnish the name of the head of the household, being the husband or father, was not to be discussed in the congregation. She told us that she finally spoke out about the sexual abuse when she ran away from home. She said that even then she felt conflicted about disclosing and wanted to protect her family's reputation. She told us:

You are encouraged to present such a good view of yourself, but I think [the Church doctrine] crosses the line. It suggests that even when something is wrong, you should cover it up. That, personally, had a big impact on me because that's why I didn't report the abuse when it was happening. If you go and tell someone about it, what's going to happen? Will your family be thought of badly? Will you be torn apart?<sup>44</sup>

Community pressures, particularly in closed or marginalised communities, can also influence a victim's decision to disclose. In some cultural contexts, victims of child sexual abuse may have felt pressure to place family and community needs before the needs of the individual.<sup>45</sup> 'Dinah' told us in a private session that many members of her Orthodox Christian Church have been abused by one of the priests, but no one will speak up because 'they are naively protecting [the perpetrator] because he's a priest'. 'Dinah' told us that cultural and language barriers also prevented victims disclosing that they have been sexually abused. She said many members of the church fear being ostracised in their community if they speak out against the church and its clergy. 'People have the need to be accepted and there's nowhere else for them to be accepted and particularly those who don't speak English. So they have no other choice, really', she said.<sup>46</sup>

#### 11.2.4 Reluctance to 'bring shame' on the religious organisation

Some survivors of child sexual abuse in religious institutions told us that a significant barrier to disclosing was the sense of guilt they felt at the prospect of 'bringing shame' on their religious organisation. In some cases this appeared to stem from a personal commitment to their religion. In others it was created or exacerbated by external pressures, including adult members of their religious community who made them feel as though they would be betraying their religious organisation by portraying it in a negative light to the outside world. This was a particular concern for survivors from some religious communities that could be described as 'closed',<sup>47</sup> for example, the Jehovah's Witnesses and the Yeshiva Bondi and Yeshivah Melbourne communities, as discussed in Chapter 9.

Some survivors of child sexual abuse in Jewish institutions told us they felt that, as members of an historically marginalised community, they should be doing all they could to protect the reputation of the Jewish community. 'Davi' told us during a private session that this feeling prevented members of the Jewish community from speaking out:

There's a massive part of the secular and religious community that feels you're going to incite anti-Semitism if you show how bad we are ... So that sense of 'we are a light unto the nation, we know better', it still prevails and that no one should see your dirty laundry.<sup>48</sup>

Survivors who were sexually abused as children in the Jehovah's Witnesses also told us they were reluctant to disclose the abuse for fear of bringing reproach on Jehovah's name. BCG gave evidence in *Case Study 29: The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse (Jehovah's Witnesses)* that she grew up in a strict Jehovah's Witness family. BCG gave evidence that when she was a child she was sexually abused by her father, who was appointed as a ministerial servant of a congregation in Queensland in about the mid-1980s. BCG gave evidence that she disclosed the abuse to congregation elders but that the response she received was inadequate.<sup>49</sup> BCG left the Jehovah's Witnesses in 1998 or 1999 and reported the sexual abuse to the police, but gave the police 'limited' information because:

I was still very fearful that if I said too much about the Elders at the Mareeba Congregation I would bring reproach upon Jehovah's name. I was still scared of making Jehovah angry, and suffering punishment from him.<sup>50</sup>

BCG's father was convicted in December 2004 for the unlawful and indecent assault and attempted rape of BCG, and was sentenced to three years' imprisonment.<sup>51</sup>

In the same case study, BCB gave evidence that she was sexually abused from the age of 15 during the 1980s by one of the elders of her Jehovah's Witness congregation in Western Australia, Mr Bill Neill. BCB told another elder about Mr Neill in 1991, when she was an adult, following which the elders conducted an investigation.<sup>52</sup> BCB said that in 2014, when she told a different congregation elder, Mr Joe Bello, that she was considering reporting her sexual abuse to the Royal Commission, Mr Bello rang her husband and asked if BCB 'really wants to drag Jehovah's name through the mud'.<sup>53</sup> Mr Bello gave evidence in a statement that he 'should not have made that remark to [BCB's husband]', that he 'was wrong to say it' and that he would never want to 'discourage someone from going to the authorities'. We accepted this evidence. The effect of what he said was that, if BCB took her complaint outside of the Jehovah's Witness organisation, she would tarnish the reputation of Jehovah.<sup>54</sup> BCB gave evidence in her statement that after contacting the Royal Commission:

I have huge feelings of guilt about coming forward with my story. I feel as though I am betraying the Jehovah's Witnesses and bringing reproach onto them. When I speak to officers at the Royal Commission, my chest gets tight, I have heart palpitations, and I have difficulty breathing because of my anxiety about the betrayal.<sup>55</sup>

In a private session, ‘Gennie’ told us that she came from a devout Jehovah’s Witness family and that she was raped by her father in the 1980s when she was eight or nine. She later suffered from panic attacks and sought help from a ‘worldly’ counsellor outside her community. She said that the Jehovah’s Witnesses strongly discouraged talking to anyone outside their religious community. ‘You don’t do that. You don’t go and talk about this stuff outside because they will influence you against the scriptures.’ ‘Gennie’ told us that she was worried about shaming her community. ‘The amount of guilt that I felt and fear of going to this person was immense.’<sup>56</sup>

### 11.3 Barriers to disclosure created by perpetrators

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He said, ‘Don’t you tell anyone or you will be locked up. They won’t believe you. You have the mark of the devil in you and I need to get the devil out of you, and that’s how I have to do it’ ... I would describe [that year] as a year filled with terror. I remember feeling dirty and that nobody would believe me.’<sup>57</sup>

**Private session, ‘Jack Nicholas’**

Volume 4, *Identifying and disclosing child sexual abuse*, discusses barriers to disclosure created by perpetrators’ behaviour across the range of institutions we examined during our inquiry.

In the context of religious institutions, we learned that perpetrators used various strategies to sexually abuse children and to stop them from disclosing the abuse. We heard that perpetrators created barriers to disclosure through grooming or psychological manipulation of victims, threatening victims, and punishing victims who did disclose. These strategies were often employed with religious overtones or in ways that exploited the victim’s religious beliefs. They were also carried out in ways that capitalised on the status and authority of people in religious ministry.

Many survivors told us that perpetrators used grooming tactics to enable, facilitate and conceal child sexual abuse, as discussed in Chapter 9. In some cases we heard that perpetrators developed an emotional connection with victims in order to make them feel complicit in the abuse, or otherwise psychologically manipulated them to create barriers to disclosure.

In *Case Study 4: The experiences of four survivors with the Towards Healing process*, Mrs Joan Isaacs gave evidence that Father Francis Derriman went to great lengths to prevent her from disclosing that he was sexually abusing her, including:

being made part of a new ‘family’ that ‘belonged’ to him so that my own family ties would be weakened; using special symbolic references and words that reinforced the fact that I ‘belonged’ to him ... informing my mother that I was mentally ill so that I would not be believed when I disclosed his abuse; informing my friends that I was mentally ill so that my peer relationships would be weakened.<sup>58</sup>

*In Case Study 26: The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol (St Joseph's Orphanage, Neerkol), Mr Joseph Kiernan gave evidence that after Father Reginald Durham sexually abused him, Father Durham told him not to tell anyone because 'we're doing God's work'.<sup>59</sup>*

Chapter 9 also discusses the use of religious practices and rituals, including religious confession, in connection with child sexual abuse. Some survivors told us that where the perpetrator made them believe there was a religious aspect to the abuse, this impacted on their ability to disclose.

'Kate' told us in a private session that her devout Catholic parents sent her to a Catholic primary school in the mid-1970s where, from the age of six, she was abused by the school principal, 'Roger Sloane', who was a lay person. The abuse occurred in school buildings and often involved religious talk and paraphernalia. 'He would be standing and I was kneeling ... I had to catch what I thought was urine in my mouth. I was not allowed to swallow it because it was holy ... as though my mouth was being the chalice for this holy water.' 'Kate' said that because of the religious connotations of the abuse, she felt overwhelmed and incapable of reporting it to anyone. She still struggles to explain the power that the Catholic rituals and symbols held over her as a young child. 'It's beyond magic. There aren't words to describe ... It's beyond earthly. There's no point telling. Because that is the ultimate. This is a part of God because it's being made holy.'<sup>60</sup>

As discussed in Chapter 9, many survivors told us that they were threatened by perpetrators – often with religious overtones – and that this prevented them from disclosing abuse. Survivors told us that they were threatened with eternal damnation or being sent to hell. Others felt that perpetrators used the practice of religious confession as a way of controlling them and keeping them from disclosing abuse.

*In Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse, Mr David Gould gave evidence that Reverend Louis Daniels, an Anglican priest, sexually abused him, and that subsequently:*

Daniels said he would hear my 'confession' and then I would be forgiven. He said to me, 'We can fix the problem, God will absolve you. I am a priest and I can act for God in this way' ... Daniels explained to me the theology of confession and that he was bound as a priest to keep it in confidence between me, him and God. Daniels then heard my confession in his backyard. Daniels' tactic to silence me profoundly affected me. It put the moral responsibility on me. It meant the secret would stay with him and also guaranteed my silence as I felt bound to keep the contents of my confession confidential, just as he did.<sup>61</sup>

Survivors of child sexual abuse also told us about being silenced by threats or coercion of an emotional, spiritual or physical nature.

'Ivan James' told us in a private session about being threatened by the priest who was abusing him. He told us that his devout Catholic family had 'blind faith and trust' in priests. 'Ivan James' became an altar boy from the age of eight or nine. He told us that the parish priest, 'Father Dougherty', started sexually abusing him after early morning mass when there were very few people around. 'Ivan James' told us that to prevent him from telling anyone that he was being sexually abused, 'Father Dougherty' would say to him that 'God will punish me, and my parents will get punished, my family will get hurt, and we'll get kicked out of the Catholics, out of the school, the Church, all that'.<sup>62</sup>

'Maria' told us in a private session about being emotionally and spiritually manipulated by the priest who was abusing her in the 1940s in Western Australia. 'Maria' spoke about the difficulty she had in disclosing the abuse to the nuns in the Catholic orphanage she had been placed in as a child migrant. As no English education was provided to her in the orphanage, she had difficulty making herself understood. The priest who was abusing her made her go to confession and pray for forgiveness for her sins in making him do what he did. If she ever resisted the abuse, he would refuse her communion the next time she went to mass.<sup>63</sup>

In the *Marist Brothers* case study we heard evidence that Brother Gregory Sutton used violence and threats of death to prevent his young victims, such as ADQ, from disclosing.<sup>64</sup> ADQ gave evidence that in 1984 at St Thomas More Primary School in Campbelltown, New South Wales, Brother Sutton forced her to touch his penis and kiss him on the mouth 'so many times that I lost count'.<sup>65</sup> She told us that several times after the abuse had occurred he would tell her 'words to the effect: "If someone sees us I will kill your parents and brother and sister and then you will have no-one to love"'.<sup>66</sup>

We heard in *Case Study 5: Response of The Salvation Army to child sexual abuse at its boys' homes in New South Wales and Queensland* that physical punishment in Salvation Army institutions caused boys to fear the officers and was used to coerce them into being sexually abused or into covering it up.<sup>67</sup> In *Case Study 33: The response of The Salvation Army (Southern Territory) to allegations of child sexual abuse at children's homes that it operated*, Mr Ross Rogers, a resident at Box Hill Boys' Home in Victoria from 1965, gave evidence that he could not disclose that he had been sexually abused because he was 'terrified' of the perpetrator who several times 'held a knife to my throat to threaten me'.<sup>68</sup> Mr Rogers gave evidence that he was sexually abused frequently by 'Sergeant' Willem Willemson between the ages of 11 and 15. He said that Sergeant Willemson made 'constant threats', not to tell anybody about the sexual abuse, including: "'I can get to you any time if you ever tell anybody what is happening'".<sup>69</sup>



In addition to perpetrators' actions which created barriers to disclosure for victims, we also heard that some perpetrators created barriers to the reporting of abuse by adults in the institution. For example, we heard that some Catholic perpetrators of child sexual abuse disclosed their abuse during religious confession, preventing the priest hearing the confession from revealing that information. This is discussed in Section 13.11.10, 'The sacrament of reconciliation'. Chapter 21, 'Improving responding and reporting by religious institutions', discusses recommendations contained in our *Criminal justice* report and in Volume 7, *Improving institutional responses and reporting*, that there should be no exemption from reporting obligations where information about child sexual abuse is received through religious confession.<sup>70</sup>

## 11.4 Institutional barriers to disclosure

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It is clear that there were times when we did not act as we should and we allowed harm to continue; we did not believe those who came forward, and we tried to silence them; we cared more about the church's reputation than those who had been harmed.<sup>71</sup>

**Ms Anne Hywood, General Secretary of the General Synod  
of the Anglican Church of Australia**

Volume 4, *Identifying and disclosing child sexual abuse*, discusses institutional barriers to the identification and disclosure of child sexual abuse across the range of institutions we examined during our inquiry. In case studies and private sessions, we heard that the leadership, governance and culture of the institution in which a victim is sexually abused can inhibit both the identification and disclosure of abuse.

In the context of religious institutions, we heard about some common institutional barriers to disclosure of child sexual abuse. These included:

- a culture of secrecy in which allegations or disclosures of sexual abuse were dealt with 'in-house' and the reputation of the institution was prioritised over the welfare of victims
- a culture of abuse and violence in which sexual abuse was normalised and which led victims to feel that they had no alternative but to remain silent
- religious beliefs and practices that operated as barriers to disclosure, particularly in some 'closed' religious communities
- inadequate and inappropriate responses to children who disclosed child sexual abuse, including during religious confession, which acted as barriers to further disclosure
- non-existent avenues for disclosure which left victims feeling they could not disclose sexual abuse because they had no one to tell
- inadequate avenues for disclosure, including because of limited external oversight of religious institutions.

While some of these barriers may have also existed in other institutional contexts, in religious institutions they were often exacerbated by an overarching context in which people in religious ministry were revered and feared. We heard that children were reluctant to disclose sexual abuse by people in religious ministry, or were not believed when they did disclose it, as there was an inability on the part of some adults to conceive of the possibility that people in religious ministry were capable of sexually abusing children.

An additional factor that can act as a barrier to the identification or disclosure of child sexual abuse in institutional contexts is the strong personal relationships that often exist between adults in institutions – including between perpetrators and other staff members. There may be a high degree of trust between individuals within an institution, particularly where individuals share a religious affiliation.<sup>72</sup> There is a risk that this trust can enable perpetrators to groom others within an institution, or use personal relationships to their advantage within the institution in order to facilitate or conceal their abuse. Commissioned research noted that there could be a conflict of interest when staff are reluctant to report colleagues whom they suspect or believe are engaged in child sexual abuse, out of fear that it may disrupt their valued relationship.<sup>73</sup> We considered conflicts of interest in the *Australian Christian Churches* case study, as discussed in Chapter 16, ‘Australian Christian Churches and affiliated Pentecostal churches’.<sup>74</sup>

We also heard about the concept of ‘betrayal blindness’, a term used to describe situations where individuals may minimise, ignore or deny an incident involving a friend, family member or other trusted adult in order to protect themselves.<sup>75</sup> Disbelief or shock that a colleague or friend could or would sexually abuse children may result in adults minimising or downplaying concerning or inappropriate behaviour. The Truth, Justice and Healing Council submitted that ‘staff who have worked alongside someone or come to know a person in the course of their work or social setting, can at times be unwilling to recognise reportable behaviour for what it is’.<sup>76</sup> These issues are discussed further in Volume 4.

### 11.4.1 Culture of secrecy

During our inquiry, we heard about a culture of secrecy or a culture of silence within some religious institutions which made it difficult for victims to disclose that they had been or were being sexually abused. Institutions with a culture of secrecy and closed systems or processes separate from the outside world may create opportunities for abuse, increase the difficulty of detection and undermine appropriate responses to abuse.<sup>77</sup> A culture that prioritises institutional reputation over the care and safety of children creates barriers for victims to disclose or for others to report concerns about sexual abuse.

We heard that in some religious institutions victims were discouraged from disclosing abuse, and when victims did disclose, allegations were covered up or dealt with ‘in-house’, shielding the religious institution from public accountability and scrutiny. We were told that when survivors disclosed child sexual abuse, some religious leaders prioritised protecting the reputation of the institution and preventing a public scandal over the welfare of victims.

Chapter 9 discusses the status afforded to people in religious ministry, and how that played a role in enabling the perpetration of child sexual abuse. Often, people in religious ministry were considered to be representatives of God – even by the children they sexually abused. We heard that the status and authority afforded to people in religious ministry also prevented many children from disclosing sexual abuse.

We heard that there was a common belief among Catholic communities that priests and religious leaders would never do anything that was evil or wrong, and that it was sinful to make any kind of accusation against them.<sup>78</sup> In Section 13.11.3, ‘Clericalism’, we discuss the role of clericalism (meaning the idealisation of the priesthood, and by extension the idealisation of the church) in generating a culture of secrecy in Catholic institutions. Within this secretive clericalist culture, we heard that ‘misbehaviour and immoral activities are ignored, tolerated or tacitly accepted’<sup>79</sup> in order to avoid scandal and protect the reputation of the priesthood and good name of the Catholic Church. We also heard evidence that suggested that a culture of clericalism in the Anglican Church may have discouraged survivors and others from reporting child sexual abuse, including reporting to police.<sup>80</sup>

Survivors told us about a pervasive culture of silence in some residential institutions managed by religious organisations, particularly institutions that were isolated from the outside world. One survivor, ‘Archie James’, told us in a private session that he was sexually abused by the caretaker at a Catholic boys’ home in Tasmania in the 1980s. ‘Archie James’ said that when he tried to tell the manager, he was accused of lying and told, ‘You made a complaint against [the caretaker], I don’t see that as necessary. What happens in this home, stays in the home’.<sup>81</sup> Another survivor who told us about his experience of disclosing child sexual abuse in a Salvation Army boys’ home said he felt as though The Salvation Army ‘were more worried about their reputation’ than about the welfare of the victims and survivors.<sup>82</sup>

As discussed in Chapter 8, ‘Common contexts where child sexual abuse occurred in religious institutions’, some religious schools resembled ‘closed’ or ‘total’ institutions and were highly controlled, isolated and closed to the outside world. We heard that in some schools, survivors felt the reputation of the school was prioritised over the welfare of victims of child sexual abuse.<sup>83</sup> Survivors described a ‘punishing culture’<sup>84</sup> or an entrenched ‘code of silence’ in some schools, which prevented any form of disclosure.<sup>85</sup>

In a private session, ‘Sinclair’ told us he was sexually abused by a priest when he was a boarding student at an Anglican high school in Victoria in the late 1960s and early 1970s. ‘Sinclair’ told us that ‘Reverend Trevor Kern’ was ‘the senior churchman at the school’, and the head of the senior school was ‘extremely intimidating so I couldn’t go to him. Could I have gone to the police? I could’ve, but I’d have copped it, for damaging the school’s reputation’.<sup>86</sup>

'Stan James' told us in a private session that he was sexually abused in an Anglican-managed high school in the 1960s by 'Reverend Alan Drysdale', who led the 'youth group' in the Anglican church hall. 'Stan James' told us that after six or seven episodes of abuse he went 'off the rails'. When his mother suggested that he see the minister to help with his mental state, 'Stan James' said 'Reverend Drysdale' drove him to a secluded beach where 'I told him what I done and ... his hand went straight onto the groin again'. When he arrived home, 'Stan James' told his parents. He said they advised him to speak to his headmaster because the school had some responsibility with its close connections to the church. 'Stan James' said that he went to see the headmaster and was told, 'You don't want to bring more shame to yourself or the school. The best thing you can do is just forget about it and get on with life'.<sup>87</sup>

'Ewan' attended a Christian boarding school in South Australia in the early 1960s. He told us in a private session that he was sexually abused by a housemaster, 'Alan Jervis', on about three occasions when he was 15 years old. 'Ewan' believes that many other boys may have been targeted by 'Jervis'. 'With the lights out it was very dark, no one could actually be sure which other boys were being abused ... Some victims assumed that they were the only ones being assaulted. As a consequence, they felt ashamed, alone and isolated', he told us. One day, after 'Ewan's' friend told him he had also been abused by 'Jervis', 'Ewan' told the school chaplain what Jervis had been doing to the boys. Several other boys also came forward and 'Jervis' was dismissed from the school. 'Ewan' said that there was an evening assembly where the headmaster and chaplain addressed the boys. 'Ewan' told us:

The major message I recall coming through from that particular boarding house meeting was "hush it up, put it behind you, move on, don't tell the day boys, we've got the school to consider and the school's reputation to consider".<sup>88</sup>

Survivors also described a culture of silence that operated as a barrier to disclosure within some 'closed' religious communities. As discussed in Section 11.2, we heard that some victims felt reluctant or unable to disclose abuse because they were fearful of being ostracised from their religious community or of bringing shame on their religious organisation. Other survivors told us that sometimes victims and others were discouraged from disclosing or reporting allegations to civil authorities because of principles of religious law or religious practices, as discussed in Section 11.4.3.

## 11.4.2 Culture of abuse

Commissioned research indicates that in institutions with a culture that normalises physical and emotional abuse and neglect, victims are fearful of reporting and resistance to abuse is reduced.<sup>89</sup> Survivors told us about experiencing child sexual abuse in religious institutions where there was a culture of violence and physical abuse that inhibited them from disclosing. Although this was not specific to religious institutions, we heard that it was particularly prevalent in some religious institutions.

Most commonly, we heard about a culture of abuse in relation to residential institutions managed by religious organisations. As discussed in Chapter 8, survivors told us about the considerable levels of physical, emotional and sexual abuse in these institutions. We made findings in a number of case studies about the existence of a culture of abuse, including violence and excessive physical punishment, in the residential institutions managed by religious organisations that we considered.<sup>90</sup>

Some survivors who were sexually abused in these institutions told us they did not disclose because they believed that sexual abuse was a part of life, as it was so widespread and visible. Survivors told us that, if they did disclose, they were often physically beaten, punished or sexually abused again. In some cases, the authority figures to whom children disclosed were complicit in the sexual abuse of children or overlooked or minimised the behaviour of perpetrators.

*In Case Study 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School (Christian Brothers), VI* gave evidence that he was sent to Castledare as a state ward in 1964 at the age of seven. He gave evidence that he did not report the sexual abuse he experienced to anyone:

I don't think it ever really registered with me to tell anyone because it was a way of life. I thought it was the way things were meant to be and I expect other boys did too. I remember that you were on edge the whole time; there was always something happening. It seemed like there were always kids getting beaten, especially the Maltese children, or being forced to miss meals. It was just something you had to live through. You closed your eyes and waited for it to be over.<sup>91</sup>

Another survivor who was at Clontarf in the 1950s gave evidence in the same case study that he was sexually abused by a religious brother, and that the abuse 'would happen anywhere, even in the company of other boys' and no one commented on it.<sup>92</sup>

*In Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home), CA* gave evidence that she never told anyone about the sexual abuse she experienced at the home in the 1950s, as 'the beatings were to be feared more than the violation of what we believed ourselves to be – worthless'.<sup>93</sup>

Survivors also told us in private sessions about a culture of abuse in residential institutions that prevented them from disclosing sexual abuse. 'Harvey' told us about the sexual and physical abuse he experienced at a Salvation Army boys' home in Victoria in the 1940s. He told us that the home was very tough, discipline was strict and psychological abuse was part of the culture. He said that boys were often given the strap in front of other children and told, 'what a useless piece of flesh you were and that your day would come – that you'd finish up in jail'. There was no one 'Harvey' could talk to about the abuse.

He told us:

If you'd gone to the police, you would have got a hiding there, and then you would have gone back to the home, and then you would have got another hiding there ... Nobody came from the government or The Salvation Army to ask us how we were, or ask us if we were happy.<sup>94</sup>

'Eve' told us in a private session that she lived in two Church of England homes in New South Wales in the 1960s, where she experienced physical punishments and violence. She told us that in one of the homes she was also sexually abused and the other girls bullied and preyed upon the young and new. 'Eve' said, 'I quickly learnt survival techniques to keep on people's good sides. If laying down kept you from being bashed, then you did it. I learnt to put up with the abuse. You just did it 'cause then you'd get out of there'. 'Eve' told us that when she was later sexually abused in a girls' correctional centre, she came to realise that it shared many characteristics of the homes she'd been in:

It was the systematic abuse of breaking your spirit that had far more all-pervading and far-reaching impact – that lack of nurturing, not being believed, that sense of having no belonging, of hopelessness and helplessness, incredible power imbalances and sense of injustice. As a child I couldn't articulate it, but I was very much aware of it. If staff came through and they were nice and they did try to create some sort of nurturing environment, they were quickly moved on.<sup>95</sup>

We also heard from survivors who experienced a culture of abuse in some religious schools. Survivors told us that they did not disclose sexual abuse because they thought it was a part of life, or because they were aware of how other children had been treated when they disclosed.

'Logan Reece' told us in a private session that the behaviour of some boarders at his Catholic boarding school in the late 2000s was 'aggressive' and the bullying was relentless. He told us that he experienced physical and psychological abuse which escalated to sexual abuse by two boys in his year, as part of a 'game', and that this occurred numerous times over a year. 'At the time when I was at school, I guess because it was a part of the school's culture, it just seemed normal', 'Logan Reece' said. He told us that the dormitories had people in charge who would patrol the corridors before the boarders went to sleep, and that they often witnessed the abuse he endured, but didn't do anything. 'Logan Reece' told us he did not know that what was happening was a crime and he felt that he couldn't talk to anyone about it.<sup>96</sup>

'Derrick Simon' told us in a private session that he did not dare report the violence and physical abuse he experienced at his Salesian boarding school in the 1970s, or that he was sexually abused by a priest, who was the headmaster. 'You'd get smacked across the face and it'd make your ears rattle [and] for minor infractions ... a stick across your knuckles ... [They] broke my nose', he said.

He told us that the brutal and violent culture of the school prevented him from disclosing:

It was unthinkable. If you were caught – that’s how I got my nose broken ... I was making a joke ... They [the clergy] were Jesus’s representatives and that was it ... The only counsellor you got was the cane.<sup>97</sup>

As noted above, ‘Sinclair’ told us in a private session that he was sexually abused by a priest at his Anglican boarding school in Victoria. He said:

I don’t see the teachers or the masters as being malicious necessarily. But the culture in which they were working encouraged them to just turn a blind eye. Because an abusive culture had been so entrenched that it kind of became just what you expected, you know, this is just the way it is. ‘Go to the police? Why would I go to the police? This is what happens here.’ It’s almost as if you normalise abuse.<sup>98</sup>

### 11.4.3 Religious beliefs and practices

#### Religious beliefs and practices as a barrier to disclosure

Survivors told us that avenues for victims to disclose sexual abuse in religious institutions were sometimes inadequate or ineffective due to the religious beliefs of the organisation, or the way in which internal rules or religious laws were understood or applied within religious communities.

In the *Jehovah’s Witnesses* case study, we heard that the organisation’s teachings of ‘separateness from the world’ discouraged victims from reporting abuse to civil authorities.<sup>99</sup> The organisation encourages its members to exercise caution when associating with those who are not members. People who are not Jehovah’s Witnesses are referred to within the organisation as ‘worldly’ people, and as those who are ‘not in the Truth’.<sup>100</sup> We heard of instances in some religious communities, such as the Jehovah’s Witnesses, where people who did disclose sexual abuse to a person outside the community were subsequently ostracised by the community. These issues are discussed further in Chapter 15, ‘Jehovah’s Witnesses’.

Survivor BCG gave evidence in the *Jehovah’s Witnesses* case study that she was not permitted to associate with people outside the Jehovah’s Witness community, and that she was taught from a young age that ‘worldly’ people including the police were bad and not to be trusted, as they served Satan.<sup>101</sup> Another survivor, BCB, gave evidence that, ‘had I been allowed to speak to other non-Jehovah’s Witness children at school, maybe someone might have reported what happened to me and I wouldn’t have become the victim that I feel I am now’.<sup>102</sup>



Some survivors told us that they feared being punished by Jehovah if they disclosed.<sup>103</sup> 'Julia Maree' told us in a private session that from the age of five she was sexually abused by her father and prostituted out to other members of the Jehovah's Witness congregation. She said that she and other children were used in pornographic films. 'Julia Maree' told us that she could not speak out because she felt beholden to the laws of the Jehovah's Witnesses. She told us:

This is the heart, the nucleus, of how they manipulate people: under the phrase 'You must make Jehovah happy. If you do not make Jehovah happy, you will die in Armageddon and so will your children'.

'Julia Maree' told us that she and other children were taught that the primary way to 'make Jehovah happy' is to obey your parents, particularly your father, and the male elders, so she kept silent initially as she felt there was 'a lock and key on my mouth'.<sup>104</sup>

Survivors also told us that the Jehovah's Witness organisation's reliance on the 'two-witness rule' also prevented victims from disclosing.<sup>105</sup> Some survivors who did disclose abuse told us that their allegations were dismissed and they were told by elders that they were unable to take disciplinary action because of this rule.<sup>106</sup>

'Rainie' told us in a private session that he was sexually abused by a Jehovah's Witness elder from the age of 15, usually at congregation events. 'Rainie' said that when he was 16 years old, he reported the abuse to congregation elders but was told nothing could be done because their policy stated there had to be two witnesses to the abuse for a formal investigation. He told us: 'They basically told me to keep quiet. They said if I spoke about it, it would be slander'.<sup>107</sup>

We heard in the *Yeshiva Bondi and Yeshivah Melbourne* case study that some Jewish law (*halachic*) concepts discouraged victims from disclosing child sexual abuse and also may have contributed to inadequate institutional responses by leaders in these institutions.<sup>108</sup> Survivors told us that they felt these principles prevented them from disclosing abuse outside their religious community, and that they had observed the community treat survivors of child sexual abuse and their families as outcasts after it had become known that they had reported their experiences of child sexual abuse to secular authorities.<sup>109</sup>

AVB gave evidence in that case study that when he finally disclosed to Victoria Police in 2011 that he had been sexually abused as a child by two perpetrators at Yeshivah Melbourne and Yeshiva Bondi, he provided police with a written account. AVB did not feel he could verbalise what had happened.<sup>110</sup> As noted in Section 11.2.3, AVB told us that he was hesitant to assist the police because of the prohibition of *mesirah* which, he said, is a prohibition on informing on Jews to civil authorities.<sup>111</sup> The role of cultural beliefs and practices in relation to institutional responses to child sexual abuse in Chabad-Lubavitch communities is discussed further in Chapter 17, 'Yeshiva Bondi and Yeshivah Melbourne'.

## Disclosure of child sexual abuse during religious confession

Some survivors told us that they disclosed as children during religious confession that they had been sexually abused. We heard that religious confession did not provide an adequate avenue for disclosure. Some survivors told us that nothing was done, or that they were blamed or not believed when they told a priest during confession that they had been sexually abused. In some cases, survivors told us that after receiving such responses, they did not believe there was any point in telling anyone else about the abuse.

For a child to disclose sexual abuse in confession holds considerable religious significance. Children believe they are disclosing abuse in a sacred location (the confessional), to a sacred man who is close to God (being a priest). In case studies we heard of children telling Catholic priests during confession that they had been sexually abused.

Two survivors who were former residents of St Joseph's Orphanage, Neerkol, in Queensland in the 1950s and 1960s gave evidence that they told a priest in confession that they had been sexually abused by an employee of the orphanage. One of these survivors said she was subsequently punished by the religious sisters,<sup>112</sup> and the other told us that the priest 'gave me my penance, but nothing else was done'.<sup>113</sup>

In the *Catholic Church authorities in Ballarat* case study, BAB gave evidence that about three months after he was sexually abused by Brother Gerald Leo Fitzgerald in 1973, a visiting priest came to his school in Ballarat, Victoria, to hear confessions. BAB told us:

During the confession the priest asked me, 'and what are your sins?' The first thing I said was, 'Well, Brother Fitzgerald has done things to me'. I remember there was silence for about 30 seconds and then the priest said, 'That didn't happen'. When he said that, I realised that was going to be the position and there was no point in me telling anyone else. I felt disappointed and sad that nothing was going to happen about it ...<sup>114</sup>

Section 13.11.10 discusses the role of the seal of confession, that is, the obligation of a confessor not to reveal what a penitent tells them during confession.<sup>115</sup> Some survivors told us that when they told a priest in confession that they had been sexually abused, they believed the priest then told the abuser or another person, breaking the seal of confession. Some survivors told us they were then punished for their disclosures.

Ms Margaret Campbell gave evidence in the *St Joseph's Orphanage, Neerkol* case study that when she was a state ward living at the orphanage from the early 1960s, she told Father John Anderson during confession that she had been sexually abused by an employee at the orphanage and that Father Anderson replied by giving her 'so many Hail Marys and Our Fathers'. Ms Campbell said she believed that Father Anderson told the religious sisters about her confession because after this time she was made to scrub the floors and the 'beltings got more often'.<sup>116</sup>

In the *Christian Brothers* case study, VG, a former child migrant from Malta, gave evidence that he told two priests in confession that he had been sexually abused by Brother Simon at St Mary's Agricultural School Tardun in the 1960s. VG told us that when he told the first priest:

I thought confession would give me some solace so I told the priest what happened to me. However, when I told him, he chastised me and told me in Maltese that I was lying ... on the same day, I was called into the office. When I arrived, Brother Simon was standing there with a strap in his hand. He called me a troublemaker and a liar and got stuck into me with the strap. He didn't mention the priest, but I knew that he had been told about my confession.<sup>117</sup>

VG also said he told another priest, Father Sullivan, about the abuse during confession. VG gave evidence that not long after this, Father Sullivan forced himself upon VG one day in the chapel at Tardun.<sup>118</sup>

Other survivors told us that they were sexually abused by the priest who also heard their confession. AYB gave evidence in the *St Joseph's Orphanage, Neerkol* public hearing that as a child she was sexually abused from the age of 11 by her parish priest, Father Reginald Durham, and that after each occasion she had to go to confession with Father Durham and confess "'my" sin of impurity'.<sup>119</sup> AYB said that she told Father Durham during confession that she had been sexually abused by another priest, and Father Durham said the other priest was a 'bad man'. She said that Father Durham later told her she must 'only ever' go to him for confession. AYB gave evidence that Father Durham continued to sexually abuse her for years – including after she left the home at the age of 17.<sup>120</sup>

Survivors told us in private sessions that they, too, had disclosed to priests in confession that they had been sexually abused and nothing was done. One survivor recalled being told by the priest to 'go away and say so many Hail Marys'.<sup>121</sup> 'Maree' told us in a private session that she and her sister were sexually abused by their local Catholic priest in the late 1950s and early 1960s. 'Maree' told us that she tried to disclose the abuse to a priest in confession, but 'he screamed at me and he said it was my fault. He blamed me. I came out of the confessional box ... with just my head in my hands ... I vowed that I would never, ever speak of it again'.<sup>122</sup>

'Laurel' and her sister 'Liana' told us in private sessions that they were sexually abused on many occasions in the 1960s by a Catholic priest, 'Father Holmes'. 'Laurel' told us that on one occasion he took her to a cottage used by visiting religious sisters, and raped her. Afterwards, 'Father Holmes' took her to another priest for confession. 'Laurel' said:

When I went into the confessional he [the priest] asked me what 'Father Holmes' was doing and I told him. His answer was to give me 10 Hail Marys and 10 Our Fathers, and he told me that I was a disgusting girl and I wasn't allowed to let [Father Holmes] touch me anymore. That's something I will never get out of my mind – him turning his back on me and not helping me.<sup>123</sup>

Institutional responses to child sexual abuse in religious institutions are considered in Part D. In that part, Section 13.11.10 discusses the need for clarity around how a priest should respond if a person in confession discloses that they are a victim of child sexual abuse. Chapter 21, ‘Improving responding and reporting by religious institutions’, discusses our recommendations that there should be no exemption from reporting obligations where information about child sexual abuse is received through religious confession.

#### 11.4.4 Non-existent or inadequate avenues for disclosure

Some survivors told us they informally disclosed that they had been sexually abused to adults – or sometimes to other children – within or outside religious institutions. We also heard that some survivors made disclosures in a formal context, such as formally reporting through complaint handling or investigation processes within religious institutions.

However, we frequently heard that in some religious institutions there were no formal avenues for children to disclose that they had been sexually abused, or that avenues for disclosure were inadequate. External oversight of many religious institutions was limited. Some children – particularly those in residential institutions and those from ‘closed’ religious communities – felt they had no one they could tell about the abuse.

We also heard that, where victims of child sexual abuse in religious institutions did try to disclose abuse to adults within the institutions, they were often dismissed, not believed, blamed, punished or even further abused. We heard that such responses acted as barriers to disclosure for those and other victims.

#### Children had no one to disclose to

We heard from survivors of child sexual abuse in religious institutions who said that they felt they had no one they could tell about the abuse. Some survivors told us that this related to the nature of their religious community in which they grew up, while other survivors told us it related to the nature and culture of the institution.

We heard that the ‘closed’ nature of some religious institutions was a barrier to disclosure. As discussed in Chapter 8, children living in residential institutions had limited access to trusted adults to whom they could disclose that they had been sexually abused. In some cases, perpetrators may have been in positions of authority within institutions, and may have even been in positions with responsibility for responding to complaints.

Some of the children who experienced abuse in residential institutions managed by religious organisations were child migrants or orphans who had no family outside the institution whom they could tell. In the *Christian Brothers* case study, Mr Gordon Grant, who was a child migrant at Bindoon Farm School in Western Australia, gave evidence that there was ‘a common understanding’ among the boys that sexual abuse was occurring. Mr Grant said: ‘I didn’t complain to anyone about the sexual abuse. I didn’t trust the brothers, and I felt that there was no one else I could turn to’.<sup>124</sup>

‘Terence’ told us in a private session that he was sexually abused in an orphanage run by the Christian Brothers in the early 1960s. He said that at the time he did not report the religious brother who sexually abused him because:

no one’s gonna believe you. They’re not going to take your word over the boss’s word, are they? Who are you supposed to tell? How are you supposed to go about it? You’re only a kid, you don’t know these things. You’re stuck in an orphanage. You have to do what they say, when they say it.<sup>125</sup>

In the *St Joseph’s Orphanage, Neerkol* case study, one survivor, AYN, who was a state ward in the 1950s, gave evidence that he was sexually abused by an employee at the orphanage, but ‘had no-one to tell because I had been stripped of my family and I had no friends. I was a bit of a loaner [sic]. I felt like no-one would believe me anyway’.<sup>126</sup> Another former state ward, Mr Tommy Campion, gave evidence in the *North Coast Children’s Home* case study that he was sexually abused by a priest when he resided at the home in Lismore, New South Wales, between 1949 and 1962. Mr Campion said:

Trying to explain to someone about the abuse would fall on deaf ears and it was near impossible to tell anyone about the problems we were going through. Who would listen? Who would believe us? Who cared?<sup>127</sup>

We also heard about religious boarding schools that resembled ‘closed’ or ‘total institutions’ and that were highly controlled and isolated. Some survivors of child sexual abuse in these contexts told us that they felt isolated and that they had no one to disclose to.

‘Bran’ told us in a private session that in the 1980s he was sent to board at a Marist Brothers college in a regional town in New South Wales. He told us that the religious brothers and lay teachers lived on the premises and all students were in constant fear of being disciplined. He told us that the culture of the school kept junior students ‘on their toes’, in fear and completely isolated from the outside world. He remembers that there were only two phones with which to call parents which often didn’t work, and that students were not allowed to go into town until they were in Year 9. ‘Bran’ told us that ‘Fergus Shanahan’, a teacher who was the dormitory master and responsible for discipline, would cane him and after a few months also started to sexually abuse him. ‘Bran’ remembers other boys outside Shanahan’s office and has wondered if they were also abused. He does not recall any of the other students talking about it. ‘I was too scared to tell anyone. I thought I was the only one it happened to. I felt that ashamed. I didn’t tell my parents, I didn’t tell anyone’, ‘Bran’ said.<sup>128</sup>

We also heard that being part of a ‘closed’ religious community may have made it harder for children to reveal that they had been sexually abused, because they felt they had no one outside the community who they could tell. Chapter 9 discusses the nature of religious communities that could be described as ‘closed’, such as the Jehovah’s Witnesses and the Yeshivah Melbourne and Yeshiva Bondi communities.

### Children were dismissed, blamed, disbelieved, punished or further abused

Some survivors of child sexual abuse in religious institutions told us that the responses they received when they tried to disclose abuse to someone in the institution sometimes acted a barrier to further disclosure.

Some survivors told us that their disclosures were dismissed, or that they were blamed or made to feel responsible for the abuse. Others said that they were not believed, or that they were subjected to punishment or further abuse.

Some survivors told us that their disclosures of abuse were dismissed by people in positions of authority in religious institutions. Survivors told us that nothing was done or they were told to ‘let sleeping dogs lie’,<sup>129</sup> to ‘try to be forgiving’,<sup>130</sup> or to ‘forget and move on’.<sup>131</sup> We also heard about religious leaders who minimised allegations by treating child sexual abuse as a forgivable sin or a moral failing, or as a one-off incident or an aberration rather than a pattern of behaviour.<sup>132</sup> This is discussed further in Part D.

‘Stephie’, who was born with a disability that limited her mobility, told us in a private session that she was sexually abused by her father who was also a minister in a Protestant church, from the age of about four. ‘He wasn’t just my father. Effectively he was also a parish priest ... and represented God’. ‘Stephie’ later attempted to disclose the abuse to three different elders of the church but no action was taken. Instead she was told not to worry about it. She said, ‘The reaction I got from ... the elders was, you know, “Shut up and calm down” basically’.<sup>133</sup>

A number of survivors of child sexual abuse in the Jehovah’s Witnesses told us that when they or their family members reported the abuse to elders, their allegations were dismissed. ‘Kimmie’ told us in a private session that her mother, a devout Jehovah’s Witness from Queensland, reported to the elders that her husband had been sexually abusing ‘Kimmie’ and her younger sister in the 1960s. ‘Kimmie’ said that the elders told her mother that the abuse did not involve penetration so it ‘wasn’t considered to be adultery’.<sup>134</sup> Other survivors told us that their allegations were dismissed because of the ‘two-witness rule’, which requires two witnesses to abuse for any formal investigation to take place. This is discussed further in Chapter 15.

Survivors across a range of religious institutions told us about victims being blamed and made to feel responsible for sexual abuse when they disclosed to religious leaders, staff or people responsible for managing the institution.

In the *Jehovah's Witnesses* case study, as noted earlier, BCG gave evidence that she was sexually abused by her father, who was a ministerial servant in a Jehovah's Witness congregation. She reported the abuse to a congregation elder who then investigated her allegations. She told us that instead of being protected and supported as a victim of child sexual abuse, she felt that the elders sat in judgment of her credibility and made her feel as though she was to blame for what had happened:

I never felt as though any of the Elders believed me. In fact, they seemed incensed by what I was saying and took the allegations personally. They asked me questions like, 'Did you enjoy it?' and, 'How did you react to that?' At times, it felt as though they were getting off on what I was telling them.<sup>135</sup>

'Antoinette' told us in a private session that she was sexually abused by a member of a Jehovah's Witness congregation in Western Australia in the 1970s. She said that when she disclosed to the elders that another member of the congregation had attempted to molest her, 'I got called a slut at 10-and-a-half [years old] and that it was my own fault ... Even now they still tell me I deserve what I got', she said.<sup>136</sup>

'Hamish Lee' told us in a private session that when he turned 13, he joined a weekend youth group that was run by his local Christian church. He told us that he formed a close bond with the group's leader and minister-in-training, 'Leo'. 'Hamish Lee' told us that when he turned 15, 'Leo' started to invite him over for sleepovers, where he sexually abused 'Hamish Lee' over a 12-month period. 'Hamish Lee' 'couldn't take it anymore' and confided in the church's minister about the sexual abuse. 'Hamish Lee' said that the church leaders told him that:

I was engaging in sodomy, intentionally. I was partaking, I was a willing participant and I allowed it to go on. Up until that point, I had a bit of a leadership role within church. I had my own children's groups around me. I was removed from all of that.<sup>137</sup>

Survivors frequently told us that victims of sexual abuse in religious institutions were not believed when they disclosed their allegations. We were told that sometimes alleged perpetrators were confronted with the allegations and were believed over victims when they denied the abuse.

'Hamish John' told us in a private session that 'Father Fergus', the family's Catholic parish priest, had molested him in their family home and in the priest's car, in the 1950s in Western Australia. 'Hamish John' told us that a couple of years later he spoke to the school's chaplain about the sexual abuse:

He basically abused the shit out of me and just said, 'Don't ever let me hear you speak like that ever again. Get out of this room' and I still remember walking back to class. I was shattered ... I kind of felt ... like I'd committed some bloody crime, you know.<sup>138</sup>



Other survivors told us that they were punished for lying when they tried to disclose that they had been sexually abused. We heard that in residential institutions managed by religious organisations in particular, these punishments were often severe, and took place within a broader culture of violence and brutality.

We heard from survivors that boys in Salvation Army institutions who reported sexual abuse to the manager or another officer were punished, disbelieved or accused of lying, or no action was taken. One survivor gave evidence that he did not report to Salvation Army officers that he was being routinely sexually abused by older boys at Riverview Training Farm in Queensland in the 1960s, because he knew he would be flogged for 'telling lies'.<sup>139</sup> Another survivor gave evidence that he did not disclose that he was sexually abused by a Salvation Army employee at Box Hill Boys' Home in the 1950s, because 'The system programmed you to believe that you were always wrong, and you were always being punished for things that I didn't feel that there was anybody I could tell'.<sup>140</sup>

'Jeremy John' told us in a private session that staff at the Salvation Army boys' home where he resided had started letting people from the community take boys out on day trips and weekends. 'Jeremy John' said that he was sexually abused when a man took him on a camping trip in the 1970s, and that when he reported this to the manager of the home, 'Captain Hughes', he was told that 'Captain Hughes' would look into it. He said that later, 'Captain Hughes' told him, 'Oh well, the person denies it, and I believe him', and 'Jeremy John' was then caned for lying.<sup>141</sup>

In the *St Joseph's Orphanage, Neerkol* case study, we heard from former residents that when they tried to disclose that they had been sexually abused by priests at the orphanage, they were punished by the religious sisters for lying. One survivor gave evidence that 'many, many times' the religious sisters screamed at him saying, 'How dare you talk about a priest like that, you filthy animal', while 'bashing you with a cane'.<sup>142</sup> Another survivor gave evidence that she did not tell the religious sisters that Father Reginald Durham was sexually abusing her because she saw 'another girl try and tell a nun about what Father Durham had done to her and she got flogged by the nun for it'.<sup>143</sup>

One survivor, 'Shawn', who had a learning disability, told us in a private session that he was threatened with punishment when he disclosed that he and another boy had been sexually abused by the caretaker at a facility run by the St John of God Brothers in New South Wales in the 1970s. 'Shawn' told us that 'Brother Foley' responded by saying, 'kids that tell lies get punished'. 'Shawn' said that children with disabilities were regularly physically punished at the institution, and that 'Brother Foley' was particularly cruel and would line children up in the auditorium and cane them 'from head to toe until they couldn't stand up anymore'.<sup>144</sup>

Some survivors told us that following their disclosures of sexual abuse they were subject to further sexual abuse, in some cases by the perpetrator, and in other cases by the person to whom they had disclosed.

'Kallie' told us in a private session that she was seven years old when she was first sexually abused by 'Father Ronald Lambert' at an orphanage run by Catholic religious sisters in rural Victoria in the 1960s. 'Kallie' told us that 'Father Ronald Lambert' was preparing 'Kallie' and the other young girls for their first holy communion, and decided that 'Kallie' needed 'private tuition'. She said that 'Father Lambert' started touching her during these lessons, and that this escalated until one day he put his hands under her uniform and inserted his fingers into her vagina. 'Kallie' said that she told 'Sister Justina' what had happened and that the nun kicked and smacked her for lying and locked her in a cupboard for three days. 'Kallie' said that after this 'Father Lambert' was angry with her, and told her that whatever happened in chapel had to be kept a secret or 'things would only get worse'. She told us that 'Father Lambert' sexually abused her again, saying 'that evil was inside of me and he needed to get it out,' and that days later he brutally raped her in a room off the chapel. Afterwards, 'Kallie' said 'Sister Justina' appeared, dragged her to the bathrooms and scrubbed her vagina and anus with a toothbrush until she bled. 'She told me never to mention this to anyone. I was a filthy girl that no one wanted, so no one would ever believe me anyway', Kallie told us.<sup>145</sup>

'Donald' told us in a private session that he was sexually abused by his teacher and dormitory master, 'Brother Julius', in his first few weeks at a Catholic boarding school in the late 1960s, when 'Donald' was 12 years old. 'Donald' eventually built up the courage to speak to 'Brother Norrish', who was his brother's teacher and a family friend. 'Donald' told us that he did not even get past his first sentence of 'I just want to tell you about Brother Julius and what's happening', before 'Brother Norrish' had his hand down 'Donald's' pants and molested him. 'Donald' told us 'I couldn't trust anyone after that'.<sup>146</sup>

## Lack of external oversight of religious institutions

As discussed in Chapter 8, some religious institutions, in particular residential institutions, had little exposure to the outside world and were relatively unchecked by external authorities. The lack of external oversight often meant that children lacked formal avenues outside the institution to whom they could disclose that they had been or were being sexually abused.

Survivors from residential institutions managed by religious organisations told us that they did not remember seeing or interacting with welfare officers or state department inspectors visiting the institutions. Other survivors recalled not being allowed or encouraged to speak with such officers.<sup>147</sup> We heard from some survivors that staff hid children when visitors came to look around,<sup>148</sup> or that it was 'impossible' to get a chance to speak to welfare officers.<sup>149</sup> One survivor told us he did not bother to tell a visiting child welfare officer about the abuse, because the officer had said to him, 'You're no good, you're a habitual criminal'.<sup>150</sup> In the *Christian Brothers* case study, one survivor gave evidence that he felt unable to report the sexual abuse he experienced to police or child welfare authorities because he believed that the religious brothers had close connections with government officials.<sup>151</sup>

In the *St Joseph's Orphanage, Neerkol* case study, we heard evidence that there was a lack of independence between government inspectors and the religious sisters and priests.<sup>152</sup> We heard during that case study from survivors who told us that they feared reprisals from the religious sisters if they spoke to department inspectors,<sup>153</sup> or that when they did disclose to an inspector, they were told it was lies and 'not to say such things about the priests and nuns'.<sup>154</sup> Two survivors gave evidence that the sexual abuse continued after they disclosed abuse to an inspector.<sup>155</sup>

'Stuart Louis' told us in a private session that he was physically and sexually abused as a state ward at an Anglican children's home in Sydney in the mid-1970s. He told us that reporting the abuse was difficult because he never saw a Youth and Community Services worker, even though:

they were supposed to come and view us at the home ... We were told at the court that they would come to the boys' home to see us. They never did. They probably only rang the manager up over the phone ... Had they come and checked on us in the homes, I think you'll find that a lot of this stuff probably wouldn't have happened. They would have been a lot more accountable.<sup>156</sup>

Survivors also told us about receiving dismissive responses from police when they tried to disclose abuse at residential institutions, as discussed in Chapter 18, 'Responses of other key institutions to child sexual abuse in religious institutions'.

Part D considers institutional responses to allegations and reports of child sexual abuse in religious institutions, and factors that may have contributed to inadequate institutional responses.

Part E, 'Creating child safe religious institutions' discusses reforms needed to ensure appropriate responses from religious institutions when children disclose abuse. In that part, Chapter 20, 'Making religious institutions child safe' considers how religious institutions can address barriers to disclosure by increasing children's participation and empowerment, and Chapter 21 discusses how religious institutions can best receive and manage complaints of child sexual abuse.

# Endnotes

- 1 Name changed, private session, 'Gena'.
- 2 Name changed, private session, 'Archie'.
- 3 The average time to disclosure is calculated from information provided during 4,817 private sessions that were held before July 2016.
- 4 We use the term 'institutions under other management' to include institutions that were under government management, institutions that were not under government or religious management (including privately run institutions such as yoga ashrams, childcare centres, medical practices or clinics, music or dance schools, secular independent schools and sports clubs, and institutions managed by non-government or not-for-profit organisations) and institutions where the nature of management was not known.
- 5 K London, M Bruck, SJ Ceci & DW Shuman, 'Disclosure of child sexual abuse: What does the research tell us about the ways that children tell?', *Psychology, Public Policy, and Law*, vol 11, no 1, 2005, pp 194–226; SS Tang, JJ Freyd & M Wang, 'What do we know about gender in the disclosure of child sexual abuse?', *Journal of Psychological Trauma*, vol 6, no 4, 2008, pp 1–26; E Jonzon & F Lindblad, 'Disclosure, reactions, and social support: Findings from a sample of adult victims of child sexual abuse', *Child Maltreatment*, vol 9, no 2, 2004, p 194.
- 6 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 14.
- 7 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of claims of child sexual abuse made with respect to Catholic Church institutions in Australia*, Sydney, June 2017, p 14.
- 8 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 12.
- 9 Royal Commission into Institutional Responses to Child Sexual Abuse, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*, Sydney, 2017, p 12.
- 10 Name changed, private session, 'Conal'.
- 11 A Quadara, M Stathopoulos & R Carson, *Family relationships and the disclosure of institutional child sexual abuse*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 70.
- 12 Transcript of DJ De Marco, Case Study 13, 10 June 2014 at 2943:11–13.
- 13 Transcript of DJ De Marco, Case Study 13, 10 June 2014 at 2943:13–19.
- 14 Name changed, private session, 'Joan'.
- 15 Name changed, private session, 'Helen Mary'.
- 16 Name changed, private session, 'Claude and Joseph'.
- 17 Name changed, private session, 'Claude and Joseph'.
- 18 Name changed, private session, 'Claude and Joseph'.
- 19 Transcript of AD Collins, Case Study 28, 21 May 2015 at 8375:44–8380:6.
- 20 Transcript of AD Collins, Case Study 28, 21 May 2015 at 8378:45–8379:4.
- 21 Exhibit 28-0011, 'Statement of BAV', Case Study 28, STAT.0584.001.0001\_R at 0003\_R.
- 22 Father George Parker was charged with 24 child sex offences on 23 December 2016. He died on 11 January 2017 before facing court on these charges. Father Parker was allocated the pseudonym CKC during the public hearing. The pseudonym was lifted on 16 January 2017. Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*, Sydney, 2017, s 1.3.
- 23 Exhibit 42-0023, 'Statement of CKA', Case Study 42, STAT.1093.001.0001\_R at 0002\_R, 0004\_R.
- 24 Transcript of AP Nash, Case Study 43, 6 September 2016 at 18037:45–18038:39, 18039:17–18040:8.
- 25 Transcript of AP Nash, Case Study 43, 6 September 2016 at 18037:12–13.
- 26 Transcript of AP Nash, Case Study 43, 6 September 2016 at 18039:1–8.
- 27 Name changed, private session, 'Bridget'.
- 28 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse*, Sydney, 2015, p 24.
- 29 Transcript of AHA, Case Study 18, 7 October 2014 at 9067:32–5.
- 30 Transcript of BAB, Case Study 28, 20 May 2015 at 8266:9–23.
- 31 Name changed, private session, 'Hank'.
- 32 Name changed, private session, 'Devlin'.
- 33 Name changed, private session, 'Katrina'.
- 34 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions*, Sydney, 2016, p 15.
- 35 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 22: The response of Yeshiva Bondi and Yeshivah Melbourne to allegations of child sexual abuse made against people associated with those institutions*, Sydney, 2016, p 15.
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- 37 Transcript of AD Collins, Case Study 28, 21 May 2015 at 8385:3–18.
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PART D  
INSTITUTIONAL  
RESPONSES  
TO CHILD  
SEXUAL ABUSE  
IN RELIGIOUS  
INSTITUTIONS



# Introduction

In Part D we consider institutional responses to child sexual abuse in religious institutions. We held 57 public hearings over the course of our inquiry, including 30 dedicated case studies that examined responses to child sexual abuse in religious institutions. In some of these case studies we also examined responses of other types of institutions, such as police or child welfare agencies, to child sexual abuse in religious institutions.

Over the course of our inquiry, through private sessions and verbal and written accounts, we heard about child sexual abuse occurring in 2,430 religious institutions in Australia. In private sessions alone, we heard about child sexual abuse occurring in 1,691 religious institutions. There were necessary limits on our time and resources, and it was not possible to examine in case studies all of the religious institutions we heard about. We considered a number of key factors in deciding which religious institutions to examine in case studies, as discussed in Chapter 1, 'The Royal Commission's work on religious institutions'.

Chapters 12 to 17 in this part examine different religious organisations and how institutions managed by or affiliated with those organisations responded to allegations of child sexual abuse. These are the Anglican Church, the Catholic Church, The Salvation Army, the Jehovah's Witnesses, the Australian Christian Churches and affiliated Pentecostal churches, and Yeshiva Bondi and Yeshivah Melbourne (religious institutions forming part of the Chabad-Lubavitch movement of Orthodox Judaism). In these chapters we discuss what we learned about how institutions responded to incidents and allegations of child sexual abuse occurring in different types of religious institutions – including schools, residential institutions and places of worship – as well as child sexual abuse occurring during religious activities and church-run recreational activities. We also discuss factors that may have contributed to the incidence of child sexual abuse in religious institutions, as well as to the manner in which they responded to that abuse.

Our examination in these chapters of the responses of religious institutions is primarily drawn from relevant case studies, and the case study reports are referenced throughout. Where appropriate, we also refer to the evidence received during those case studies. We also considered information gathered from private sessions with survivors and, in some cases, data relating to claims or complaints of child sexual abuse received by religious institutions.

In Chapter 18 we discuss responses of other types of institutions to allegations of child sexual abuse in religious institutions. Here, our examination is focused on evidence we received suggesting that the responses of these other institutions, such as police or child welfare agencies, were influenced by the fact that child sexual abuse allegations were being made in the context of religious institutions.

In Chapter 19 we identify some common themes across religious institutions and organisations, with respect to both responses to child sexual abuse and factors that may have enabled such abuse to occur or contributed to inadequate institutional responses.

## 12 Anglican Church

In this chapter, we discuss what we have learned about how the Anglican Church in Australia has responded to child sexual abuse by clergy, church workers and lay people within the Anglican Church and its affiliated institutions.

The Royal Commission held seven case studies that examined the responses of Anglican institutions to incidents and allegations of child sexual abuse occurring in schools, residential institutions and places of worship, and during religious and recreational activities.

In some of the case studies which examined schools, the Anglican Church played a limited role in the school's management and operation. This was also the case for the schools affiliated with the Anglican Church which we examined in *Case Study 45: Problematic and harmful sexual behaviours of children in schools (Harmful sexual behaviours of children in schools)*. Where relevant, we have discussed the responses of some of these schools in this chapter.

The case studies we held involving Anglican institutions were:

- *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)*
- *Case Study 12: The response of an independent school in Perth to concerns raised about the conduct of a teacher between 1999 and 2009 (Perth independent school)*
- *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school (The Hutchins School)*
- *Case Study 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students (Geelong Grammar School)*
- *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse (Brisbane Grammar School and St Paul's School)*
- *Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys' Society)*
- *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle).*

In March 2017, we held a further hearing in relation to the Anglican Church in *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)*. At this hearing, we presented the results of the survey we commissioned to gather data from each of the 23 Anglican Church dioceses in Australia regarding complaints of child sexual abuse they had received. The result of the survey was the report *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia* (Anglican Church complaints data). In this chapter, we refer to data gathered by, and the results of, this survey.

In relation to some of our case studies, criminal proceedings commenced before, during or after the completion of our evidence and before the finalisation of our case study report. Our Terms of Reference required that our inquiry not prejudice current or future criminal or civil proceedings.<sup>1</sup>

Consequently, in the case study report for *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse*, we made redactions to material that might prejudice relevant criminal proceedings. We recommended to the Australian Government and to state and territory governments that the redacted version of this case study report be tabled and published. We further recommended that this case study report be published in unredacted form at the conclusion of relevant criminal proceedings. Where we refer in this Final Report to case study reports which have been tabled with redactions, we apply the same redactions in this Final Report. We recommended that relevant parts of this Final Report be published in unredacted form at the conclusion of relevant criminal proceedings.

During the *Institutional review of Anglican Church institutions* public hearing, we heard evidence about structural, governance and institutional cultural factors that may have contributed to the occurrence of child sexual abuse in Anglican institutions or to inadequate institutional responses to that abuse. We heard from current and former primates of the Anglican Church, a number of archbishops and bishops, as well as clergy and lay people involved in the General Synod of the Anglican Church and in the various education and community organisations affiliated with the Anglican Church.

Where appropriate, we also include information about what survivors who attended private sessions told us about their experiences. As at 31 May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 594 survivors (14.7 per cent) told us about abuse in institutions managed by or affiliated with the Anglican Church.

In Section 12.1, 'Structure and governance of the Anglican Church', we outline the structure and governance of the Anglican Church as it operates in Australia, including the history of the Anglican Church in Australia, and how it interrelates with the worldwide Anglican Communion. Section 12.2, 'Private sessions and data about child sexual abuse in the Anglican Church', provides an analysis of some of the information provided by survivors who told us during private sessions about child sexual abuse in an Anglican Church institution. We also present some of the results of the data provided to us by Anglican Church dioceses.

Section 12.3, 'The development of national model procedures in the Anglican Church', outlines the significant steps taken by the Anglican Church of Australia, beginning in the 1990s, towards developing model procedures at a national level for responding to the issue of child sexual abuse in Anglican Church institutions by clergy, church workers and lay people. We discuss the significance of the 13<sup>th</sup> Session of the General Synod in 2004, at which time the General Synod publicly apologised to survivors of sexual abuse and also recommended the standardisation

of policies and procedures for screening and training clergy and church workers, pastoral responses to victims and survivors, and ministry support for clergy. A professional standards framework was introduced, which all 23 Anglican dioceses were encouraged to adopt.

Section 12.4, 'Early Anglican Church responses to child sexual abuse', and Section 12.5, 'Contemporary Anglican Church responses to child sexual abuse', set out what we learned in the course of our case studies, and from documents, about the responses of Anglican Church institutions to incidents and allegations of child sexual abuse by clergy, church workers and lay people.

Section 12.4 focuses on the responses of Anglican Church institutions before the late 1990s. We heard that it was common in many dioceses for allegations of child sexual abuse to be dismissed, disbelieved or otherwise minimised.

Section 12.5 discusses what we learned about the more contemporary responses of Anglican Church institutions; that is, at around the time of, or after, the efforts at the General Session in 2004 to introduce nationally consistent and uniform standards for responding to allegations of child sexual abuse. We also discuss a number of the developments at a diocesan level to implement and improve pastoral responses to survivors of child sexual abuse.

Finally, in Section 12.6, 'Contributing factors in the Anglican Church', we discuss the factors that may have contributed to the occurrence of child sexual abuse in Anglican institutions or to inadequate responses to such abuse, including:

- barriers to consistent response related to the structure and governance of the Anglican Church
- the role of bishops and significance of their leadership
- conflicts of interest of bishops and other office holders in the Anglican Church
- cultural issues within Anglican Church communities
- the impact of clericalism
- the practice of forgiveness and confession
- inadequate screening, selection, training and supervision.

We also note some of the recent developments at the 17<sup>th</sup> Session of the General Synod in September 2017, when a number of canons were passed which are directed towards the goal of achieving national minimum standards. While these canons have been passed at a national level, it is up to the 23 dioceses to adopt uniform legislation to ensure that the Anglican Church has a consistent national approach to child safety. These measures are discussed in further detail in Part E, 'Creating child safe religious institutions'.



## 12.1 Structure and governance of the Anglican Church

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In confronting our failings, we are ashamed. We have had to face that we have not always protected the children we were trusted to care for. It is clear that there were times when we did not act as we should and we allowed harm to continue; we did not believe those who came forward, and we tried to silence them; we cared more about the church's reputation than those who had been harmed.<sup>2</sup>

**Ms Anne Hywood, General Secretary of the General Synod of the Anglican Church**

### 12.1.1 The worldwide Anglican Communion

The Anglican Church of Australia is part of the worldwide Anglican Communion, an international association of 45 member churches in 165 countries, with an estimated combined membership of 85 million people.<sup>3</sup> The Anglican Church of Australia, which is divided into 23 dioceses, is one of those 45 member churches. The Anglican Church in Australia is the second largest church in Australia, with 13.3 per cent of the Australian population reporting affiliation with the Anglican Church in the 2016 national Census (22.6 per cent of the population reported affiliation with the Catholic Church).<sup>4</sup>

The Anglican Communion comprises 39 autonomous provinces (national and regional churches) plus six extra provincial churches that come under the jurisdiction of the Archbishop of Canterbury.<sup>5</sup> There is no central authority figure, such as a pope, in the Anglican Church.<sup>6</sup> The Anglican Communion has no legislative authority over the Anglican Church of Australia.

There are four 'instruments of communion' in the Anglican Communion: the Archbishop of Canterbury, the Lambeth Conference, the Anglican Consultative Council and the Primates' Meeting.<sup>7</sup>

The Archbishop of Canterbury is the spiritual leader of the Anglican Communion, but he does not 'govern' the Anglican Church and cannot settle doctrinal disputes with authoritative pronouncements.<sup>8</sup> Rather, his role is one of providing a focus for unity.<sup>9</sup> Every 10 years, the Archbishop of Canterbury convenes the Lambeth Conference, which is a meeting of the bishops of the Anglican Communion. This is a forum where the views of the leaders of the Anglican Communion can be expressed on matters of controversy.<sup>10</sup> It is the closest thing the Anglican Church has to a central authority on matters of faith and doctrine, but resolutions passed by the Lambeth Conference do not have any legislative authority over member churches, such as the Anglican Church in Australia, until adopted locally.<sup>11</sup>

The Anglican Communion also has a 'standing committee' body called the Anglican Consultative Council, which meets every two or three years.<sup>12</sup> The Anglican Consultative Council is essentially a body that enables consultation between provinces and, where appropriate, coordinates common action between the churches. The Anglican Consultative Council has various networks and commissions which are policy bodies which report to it and the other instruments of communion. The Primates' Meeting is a regular meeting of primates from the various Anglican provinces around the world.<sup>13</sup>

### 12.1.2 History and profile of the Anglican Church of Australia

The Anglican Church of Australia has its origins in the Church of England. The first Church of England clergyman in Australia, Reverend Richard Johnson, arrived with the First Fleet as a chaplain to the penal colony at Botany Bay.<sup>14</sup> Early chaplains were accountable to the governor of the colony.<sup>15</sup> The Church of England was the only denomination in the colony to receive official government recognition and financial support until 1836, when government support was extended to the Catholic and Presbyterian churches.<sup>16</sup> Church of England clergymen were also appointed as magistrates until 1827.<sup>17</sup>

In 1836, the Diocese of Australia was created and William Grant Broughton consecrated as the first Bishop of Australia.<sup>18</sup> From the 1840s, the Diocese of Australia was divided into smaller dioceses with the spread of British settlement and the creation of new colonies.<sup>19</sup> The Diocese of New Zealand was created in 1841 and the Diocese of Tasmania established in 1842.<sup>20</sup> In 1847 the dioceses of Adelaide, Melbourne, Newcastle and Sydney were established, and Bishop Broughton became the Metropolitan of Australasia and the Bishop of Sydney.<sup>21</sup> The Diocese of Perth was created in 1857, and the Diocese of Brisbane in 1859.<sup>22</sup> Further divisions occurred over the next 50 years.<sup>23</sup>

Initially, the Church of England in Australia had no system of government above the level of the local parish, and it was unclear whether the law of the Church of England still applied.<sup>24</sup> For this reason it was felt necessary to develop constitutional arrangements that would provide the colonial dioceses with a degree of self-government while still preserving their close links (in doctrine and worship) with the Church of England.<sup>25</sup> In 1850 Bishop Broughton, as Metropolitan of Australasia, convened a conference of the diocesan bishops in Sydney. It was here that the bishops decided to 'establish synods ... so that local rules could be made to order the common life of the Church'.<sup>26</sup> In due course synods were established with lay and clerical members. The bishops agreed that the English Canons of 1604 (the canon law of the Church of England until the 1960s) were generally binding upon themselves and the clergy of their respective dioceses.<sup>27</sup>

In the decade following the 1850 conference, each Australian diocese developed its own constitution to create a synod with power to govern the life of the diocese. In 1872, Bishop Frederic Barker, as Metropolitan of Australia, convened a conference of diocesan representatives who agreed to form a national synod (the General Synod) for the whole Australian colonial church.<sup>28</sup> However, there was disagreement over what powers this body should be granted.<sup>29</sup> It was decided that the General Synod would meet every five years, but a ‘determination’ of the General Synod only became law in a diocese when its own diocesan synod adopted it.<sup>30</sup> This arrangement, and the principle of diocesan autonomy, continues today.

Australian Anglicans were ‘probably the first in the Anglican world to form synods for their dioceses’:

These local synods, each influenced by the local culture of the separate colonies, soon moved to a loose pattern of national collaboration, which then took a further ninety years to develop into a national constitution. Consequently that constitution reflects a loose federation of dioceses rather than the highly central and national structure that existed in England and which developed in some other parts of the world.<sup>31</sup>

Until 1961, the Anglican Church was organised on the basis that it was part of the Church of England. Therefore, any changes to church practice and doctrine in England were to be applied in Australia, to the extent allowed by the local situation. In 1961, the Australian dioceses agreed to a new national constitution which came into effect in 1962 (the 1962 Constitution), which established the ‘Church of England in Australia’ as a new church and ‘severed the legal nexus with the Church of England’.<sup>32</sup> The 1962 Constitution also formalised the role of the General Synod and established a system of tribunals to hear matters relating to breaches of faith, ritual, ceremonial or discipline.<sup>33</sup> The Church of England in Australia changed its name to the Anglican Church of Australia in 1981.<sup>34</sup>

The Anglican Church was the largest religious body in Australia until the mid-1980s, when it was overtaken in size by the Catholic Church.<sup>35</sup> The Anglican Church is now Australia’s largest Protestant denomination and second-largest religious organisation after the Catholic Church. The 2016 Census reported that 13.3 per cent of the population identified as members of the Anglican faith,<sup>36</sup> down from 17.1 per cent in 2011.<sup>37</sup> The Anglican Church continues to have a strong presence across the country and is active in areas such as education, health, mission and social welfare.

There are significant variations in theological outlook among the 23 Anglican dioceses and also within dioceses. Each diocese has developed, over time, ‘its own ethos, traditions and theological tone’.<sup>38</sup> Smaller dioceses in particular have tended to be dominated by a single theological outlook, as much depended upon a bishop’s personality and theological outlook, and their ‘unchallenged dominion over his diocese’.<sup>39</sup>

During the public hearing in *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)*, Professor Patrick Parkinson AM, professor of law, University of Sydney, identified (while recognising these to be ‘very broad generalisations’<sup>40</sup>) three major theological groupings in the Anglican Church: the evangelical tradition, the Anglo-Catholic tradition, and a more liberal tradition.<sup>41</sup> Archbishop Glenn Davies, the Archbishop of Sydney, called these groupings ‘loose overlapping definitions’.<sup>42</sup>

Bishop Garry Weatherill of the Diocese of Ballarat told us in a statement that there are at least four major theological ‘strands’ within the Anglican Church of Australia:<sup>43</sup>

- the ‘Sydney’ strand, ‘which espouses a strongly biblical and Calvinist theology’ and includes the dioceses of Sydney, Armidale and North West Australia
- the ‘moderate evangelical’ strand, which is ‘the growing grouping within the national church’ made up of the dioceses of Canberra and Goulburn, Rockhampton, Tasmania, Melbourne, the Northern Territory, Grafton and Gippsland
- the ‘moderate Catholic’ strand, which includes the dioceses of Adelaide, Bathurst, North Queensland, Willochra, Bunbury, Bendigo and Perth
- the ‘conservative Catholic’ strand, which include the dioceses of Riverina, Wangaratta, Ballarat, The Murray, Newcastle and Brisbane.

Bishop Weatherill told us that one consequence of these theological differences has been to entrench the primacy of the Anglican Church’s diocesan structure over its national structure.<sup>44</sup>

Archbishop Phillip Aspinall, the Archbishop of Brisbane and former primate of the Anglican Church of Australia from 2005 to 2014, told us that the theological differences had to do with ‘much deeper underlying issues about how to interpret and apply the scriptures which give rise to differences about the ordination of women, which prayer books should be authorised to be used, differences about human sexuality’.<sup>45</sup>

Bishop Allan Ewing of the Diocese of Bunbury told us in a written statement:

Each diocese, like the State structures in a Federal arrangement, guards their independence and are suspicious of centralised systems. This is a cultural overlay from Australia’s governance model and is fed by theological differences which accentuates the hermeneutics of suspicion ... Within such a culture it can be difficult to work together, hence the conferencing approach which has been put in place to help build a culture of trust and co-operation among dioceses.<sup>46</sup>

As part of the *Institutional review of Anglican Church institutions* public hearing in March 2017, we asked all 23 Anglican dioceses whether these differences had any effect on the protection of children in the Anglican Church. Of the responses we received which addressed this issue, the consensus was that theological differences were not, and should not be, a barrier to the protection of children.<sup>47</sup>

Statements provided by Bishop Kay Goldsworthy of the Diocese of Gippsland, and Bishop Rick Lewers of the Diocese of Armidale, suggested that theological differences may have an impact with respect to confession. We discuss issues relating to the seal of the confessional in the Anglican Church in Section 12.6, 'Contributing factors in the Anglican Church'.

In a statement provided to us when he was the Archbishop of Adelaide, Archbishop Jeffrey Driver pointed out that:

The Anglican Church has always been characterised by a comprehensiveness that embraces a range of opinions and positions. I do not believe that theological differences within the Anglican Church of Australia impact *directly* on issues of child protection or approaches to redress. There may be *indirect* impacts in regard to the wider professional standards regime.

One example might be in the area of underlying ecclesiology (the theology of the Church). The Anglican Church of Australia has a Constitution that has a major emphasis on 'dispersed authority', making substantial changes at a national level largely dependent on diocesan assent [emphasis in original].<sup>48</sup>

We will explore the impact that structural and theological differences have had on the response of Anglican Church institutions to child sexual abuse in more detail in Section 12.6.

### 12.1.3 Structure and governance of the Anglican Church of Australia

As we have discussed above, the structure of the Anglican Church in Australia is commonly compared to a weak federal structure, with the General Synod having limited power over individual dioceses.

Archbishop Aspinall said in his presidential address to the 16<sup>th</sup> Session of the General Synod in 2014 that:

the nature of our very weak federation is largely not understood either within the church or outside it. While we refer to ourselves as 'The Anglican Church of Australia' and there is widespread perception in the community of the Anglican Church as a unified, coherent entity, the reality is quite different.<sup>49</sup>

Archbishop Aspinall told us in the *Institutional review of Anglican Church institutions* public hearing that:

the General Synod can put in place canons, law, which is binding on the whole church. But if that law affects ritual, ceremonial or discipline, or it affects the order and good government of a church in a diocese, then the General Synod law does not take effect in a diocese until the diocese adopts it.

So the constitution is structured effectively to leave the power in the hands of dioceses.<sup>50</sup>

Archbishop Aspinall acknowledged in the *Institutional review of Anglican Church institutions* public hearing that there are no nationally consistent approaches across the Anglican dioceses concerning 'child sexual abuse, concerning professional standards in general, and concerning episcopal standards'.<sup>51</sup>

## Governance of the Anglican Church of Australia

As noted earlier, the Anglican Church of Australia is governed at a national level by the 1962 Constitution. The 1962 Constitution is in force in various state jurisdictions pursuant to enabling legislation, for example the *Anglican Church of Australia Constitution Act 1961* (NSW).<sup>52</sup>

Both the General Synod and the 23 dioceses are bound by canons and ordinances, which can be considered 'statutes' within the Anglican Church. Archbishop Aspinall told us that 'generally speaking canons and ordinances are equivalent'. Canons are enacted with varying levels of diocesan assent by the General Synod, and ordinances are acts of diocesan and metropolitan synods. Both bishops and clergy make formal declarations to uphold them and abide by them.<sup>53</sup> The application of Anglican canon law has been challenged in Australian civil courts, and this is further discussed in Section 12.3, 'The development of national model procedures in the Anglican Church', in relation to the professional standards framework developed by the General Synod in 2004.

Under the 1962 Constitution, each diocese must have a tribunal to deal with offences relating to breaches of faith, ritual, ceremonial or discipline, or any other offences as prescribed by the canons and ordinances of a diocese.<sup>54</sup> The tribunal is designed to resolve matters of ecclesiastical conflict and to deal with complaints of ecclesiastical offences, including child sexual abuse, committed by clergy licensed by the bishop or resident in the diocese.<sup>55</sup>

The 1962 Constitution also allows for a provincial tribunal, presided over by the metropolitan of that province, to hear disciplinary charges against clergy in the first instance, instead of a diocesan tribunal, or by way of appeal from a diocesan tribunal.<sup>56</sup> We have not heard evidence of a provincial tribunal ever being formed in relation to clergy discipline.

Under the 1962 Constitution, charges of a disciplinary nature against a bishop should be heard by the Special Tribunal.<sup>57</sup> The 1962 Constitution stipulates that the members of the Special Tribunal shall be appointed by ordinance or canon of the General Synod.<sup>58</sup> The discipline of bishops has traditionally been the domain of the Special Tribunal. More recently, for dioceses that have adopted the *Episcopal Standards Canon 2007*, complaints against bishops can be investigated by the Episcopal Standards Commission and considered by the Episcopal Standards Board.<sup>59</sup>

Decisions of a diocesan tribunal, a provincial tribunal and the Special Tribunal may be appealed to the Appellate Tribunal, the highest judicial body in the Anglican Church of Australia.<sup>60</sup>

We will consider the tribunal system, the professional standards framework and episcopal standards framework in Section 12.3 and in Section 12.4, 'Early Anglican Church responses to child sexual abuse'.

## The General Synod

The General Synod of the Anglican Church of Australia is 'a forum for the 23 Dioceses of the Anglican Church of Australia to consider and determine matters in the affairs of the Church and in the Church's engagement with society'.<sup>61</sup> The 1962 Constitution provides for ordinary sessions of the General Synod to be held at intervals not exceeding four years.<sup>62</sup> In practice, since 1985 the General Synod has convened every three years.<sup>63</sup>

The General Synod consists of three houses:<sup>64</sup>

- the House of Bishops, comprised of diocesan bishops
- the House of Clergy, comprised of ordained priests, including assistant bishops
- the House of Laity, comprised of lay Anglicans.

The General Synod has broad plenary powers. However, if a canon passed by the General Synod affects the 'order and good government' of a diocese, or if it implies a financial obligation, it has no effect until it is expressly adopted by an ordinance of the diocese.<sup>65</sup> This includes most professional standards matters, such as clergy discipline.<sup>66</sup> Likewise, resolutions of the General Synod are not binding upon dioceses.<sup>67</sup> During the hearing of *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)*, Archbishop Aspinall told us that:

One of the characteristics of the Anglican Church of Australia is that the dioceses have primary power. The General Synod cannot pass legislation and impose it on a diocese except with a very high level of agreement at the General Synod itself.<sup>68</sup>



The General Synod also has the power to establish committees, boards and commissions.<sup>69</sup> All commissions created by the General Synod, except the Episcopal Standards Commission, examine questions on matters such as ‘doctrine’, ‘liturgy’ and ‘church law’, and make recommendations to the General Synod Standing Committee.<sup>70</sup> For example, in 2004 the General Synod established the Professional Standards Commission which is a national body that makes recommendations on professional standards, safe ministry practices and training, and care and support for ordained and authorised lay ministry.<sup>71</sup> We discuss the Professional Standards Commission further in Section 12.3.

## The primate

The primate of the Anglican Church is the ‘titular’ head of the national church and is described as ‘first among equals’. As representative of the national church, the primate presides as chair of meetings of the General Synod and is usually an archbishop.<sup>72</sup> The primate is elected for a six-year term, which is renewable for a further three years.<sup>73</sup>

Archbishop Aspinall described the primate’s role to us during the *Institutional review of Anglican Church institutions* public hearing:

The role of the primate is very limited, actually. The primate is required, under the constitution, to chair the General Synod once every three or four years; to chair the meetings of the General Synod Standing Committee two or three times a year; to chair the executive of that standing committee, which meets two or three times a year. The primate formally makes appointments to some commissions of the church on the recommendation of the standing committee. The primate has formal roles in relation to the special tribunal. If a charge is heard against a bishop and there is a sentence recommended by the special tribunal, then the primate pronounces that sentence. But beyond those formal matters, the role is very limited.<sup>74</sup>

The primate does not have extensive executive powers or the power to intervene in the governance or management of a diocese.<sup>75</sup> Archbishop Aspinall described the primate’s limited power as follows:

A primate has no power to direct the bishop of a diocese or a diocesan council in a diocese to do anything. In effect, what that means is that when the primate makes a request or makes a suggestion or a proposal or extends an invitation, effectively another bishop can tell the primate, ‘Thank you very much, but get lost.’<sup>76</sup>

Archbishop Aspinall also told us that there is an ‘informal collegial accountability’ between bishops<sup>77</sup> and that, ‘Depending on the person in the job, sometimes the primate is able to exert personal influence, pastoral counsel to bishops and others in the church, but that is not binding’.<sup>78</sup>

Archbishop Philip Freier, who is concurrently the Archbishop of Melbourne, has been the primate since 2014.

## Provinces

In Australia, the Anglican Church comprises five ‘provinces’, which correspond with each of the five mainland states.<sup>79</sup> The provinces of the Anglican Church in Australia are to be distinguished from the provinces of the worldwide Anglican Communion, discussed above. The Australian Capital Territory is part of the Province of New South Wales, and the Northern Territory is part of the Province of Queensland. The senior diocese of each province is situated in a mainland capital city, with the diocesan bishop of that senior diocese having the title ‘archbishop’ as well as ‘metropolitan’ of the province.<sup>80</sup>

Provinces and dioceses in Australia are currently grouped as follows:

- The Province of Queensland comprises the dioceses of Brisbane, Rockhampton, North Queensland and the Northern Territory.
- The Province of New South Wales comprises the dioceses of Sydney, Newcastle, Goulburn and Canberra, Armidale, Bathurst, Riverina and Grafton.
- The Province of Victoria comprises the dioceses of Melbourne, Ballarat, Bendigo, Gippsland and Wangaratta.
- The Province of South Australia comprises the dioceses of Adelaide, Willochra and The Murray.
- The Province of Western Australia comprises the dioceses of Perth, Bunbury and North West Australia.

These five provinces account for 22 of the 23 independent dioceses of the Anglican Church in Australia. The 23<sup>rd</sup> diocese is the Diocese of Tasmania, which governs the whole state and is not part of another province.

## Dioceses and parishes

The diocese is the main unit of organisation in the Anglican Church.<sup>81</sup> The 1962 Constitution provides that ‘a diocese shall in accordance with the historic custom of the One Holy Catholic and Apostolic Church continue to be the unit of organisation of this Church and shall be the see of a Bishop’.<sup>82</sup>

Despite the presence of a national constitution, the principle of diocesan autonomy is deeply entrenched in the Anglican Church.<sup>83</sup> Under the 1962 Constitution, dioceses pass laws to regulate their own affairs and ‘to make ordinances for the order and good government of the Church within the diocese’.<sup>84</sup> Diocesan legislation comes into force only when the diocesan bishop assents to it. Further, the 1962 Constitution sets out that no other body or person in the Anglican Church has power to intervene in the governance or management of a diocese.<sup>85</sup>

Each of the 23 dioceses is self-governing and has a bishop, a diocesan synod, a diocesan council and usually a board of trustees.<sup>86</sup> Archbishop Aspinall told us that a bishop does not exercise monarchical power and that authority in the Anglican Church is dispersed at every level, so it is the bishop, in conjunction with the synod, who governs a diocese.<sup>87</sup>

The diocesan synod comprises clerical and elected lay members from each parish. It is usually convened every one to two years. The diocesan council and its committees manage the business of the diocese between sessions of the diocesan synod.<sup>88</sup> Additionally, the diocesan council provides advice to the bishop and may have the power to pass legislation otherwise the preserve of diocesan synod.<sup>89</sup> Archbishop Aspinall told us that the powers of the diocesan council vary across dioceses.<sup>90</sup>

While each diocese has the same basic decision-making apparatus, their legal status varies. For example, most dioceses in the Province of New South Wales told us they are unincorporated associations, while those in the provinces of South Australia and Queensland are incorporated associations.<sup>91</sup>

In the Province of Victoria, all dioceses became established legal entities in 2015 in response to the recommendations of the Victorian parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-government Organisations.<sup>92</sup> For example, the Diocese of Melbourne created the Melbourne Anglican Diocesan Corporation, whose purpose is to provide a 'corporate vehicle by which the diocese can hold itself accountable to the community for liability that may be incurred as a result of the acts or omissions of those in the service of the diocese'.<sup>93</sup>

Additionally there are significant resource differences between dioceses. In a statement provided to us in the course of the *Institutional review of Anglican Church institutions* public hearing, Bishop David Robinson of the Diocese of Rockhampton told us that his diocese 'is geographically very large, with a very small population and limited resources'.<sup>94</sup> Likewise, Bishop John Stead of the Diocese of Willochra in South Australia told us that the diocese 'is small in population, small in the number of Anglicans and small in the size of the administrative infrastructure'. The Diocese of Willochra has in recent times worked with the Diocese of Adelaide and the Diocese of The Murray to implement a 'state-wide approach to professional standards and accessing the resources – better financial and personal – of the larger Diocese of Adelaide'.<sup>95</sup>

Each diocese is divided into a number of parishes. Each parish generally has one or more churches. Traditionally, parishes are defined geographically. However, in the last decade or so, some dioceses have established congregations outside the traditional parish model.<sup>96</sup> These congregations may be referred to as ministry districts.<sup>97</sup>

Archbishop Aspinall told us during the *Institutional review of Anglican Church institutions* public hearing that the dispersed nature of authority in the Anglican Church 'is also reflected at the parish level, where the parish priest operates in conjunction with a parish council, made up of male and female laypeople usually'.<sup>98</sup>

## Roles within the Anglican Church

### Clergy

In the Anglican Church, clergy are organised into three levels of ordained persons, called orders: deacons, priests, and bishops. Although a person may be consecrated as a bishop or ordained as a priest or a deacon, he or she may not exercise ministry in those capacities unless licensed by the diocesan bishop.<sup>99</sup>

Bishop Lewers of the Diocese of Armidale and Bishop Stead of the Diocese of Willochra each told us in written statements that the roles and responsibilities of each order of clergy are set out in 'The Ordinal' of *A prayer book for Australia*<sup>100</sup> and the *Book of common prayer*.<sup>101</sup>

Clergy licences normally specify the ministries clergy may exercise. Bishop Stead told us that there are different types of licences issued by the diocesan bishop, which include a 'licence' for stipendiary or non-stipendiary clergy. A licence is issued for a set period of time and is then renewed if required.<sup>102</sup> Bishop Weatherill of the Diocese of Ballarat told us that various forms of licence operate in the diocese, including a 'general licence' issued to professional clergy on appointment to a parish, and is tenured.<sup>103</sup>

Those licensed for ministry commonly receive a letter of appointment which outlines their 'conditions of appointment'.<sup>104</sup> Clergy in the Anglican Church are considered to be 'office-holders' rather than employees.<sup>105</sup> However, some clergy, such as chaplains employed by a school or by Anglicare, are 'likely to be employees'.<sup>106</sup>

### Bishops

A diocesan bishop is the spiritual leader of a diocese and is considered an office-holder, not an employee.<sup>107</sup> Traditionally, in the Anglican Church 'the essential role of the bishop remains that of oversight and ordination in a diocese'.<sup>108</sup> 'The Ordinal' in *A prayer book for Australia* sets out the role of bishop as 'chief minister and pastor in Christ's Church', a role that includes '[guarding] its faith, unity and discipline, and [promoting] its mission in the world'.<sup>109</sup> Bishops are generally appointed either by a diocesan synod or a committee elected by the diocesan synod.<sup>110</sup> Some dioceses have age requirements for bishops as well as a requirement that a bishop has served a minimum term in office as a deacon or priest. It is usual for bishops to serve until the age of 65 or 70.

A diocesan bishop may be assisted by assistant bishops in discharging his or her leadership duties.<sup>111</sup>

Women have been ordained as assistant bishops within the Anglican Church since 2008. Bishop Dr Sarah Macneil, Bishop of Grafton, was the first woman to be appointed as the bishop of a diocese, in 2014.<sup>112</sup> In August 2017, the Diocese of Perth announced that Bishop Kay Goldsworthy had been elected Archbishop of Perth, which will make her the first woman to be appointed as an archbishop when she is installed on 10 February 2018.<sup>113</sup>

There is an annual meeting for Australian bishops (known as the Bishops' Conference). While not a formal instrument of the General Synod, this meeting generates 'Bishops' protocols', which are voluntary agreements between bishops about how to exercise ministry.<sup>114</sup> We refer to the outcomes of various Bishops' Conferences in Section 12.3, where they relate to the development of national model procedures for responding to child sexual abuse by Anglican institutions, and to a protocol on private confession in Section 12.6.

## Priests

Priests are described as having the role of pastoring a local congregation, teaching holy scripture and administering the sacraments (being baptism and holy communion).<sup>115</sup> They may be placed in charge of parishes or appointed to non-parish positions, for example as a school chaplain or as staff at a theological college.

## Deacons

A deacon's main responsibilities are to 'assist the priest in divine service and especially in the administration of Holy Communion, to read the scriptures and homilies of the church and instruct the youth in the catechism, to baptise infants when the priest is not available, and to visit the sick, poor and impotent in the parish'.<sup>116</sup>

While requirements across dioceses differ slightly, most require candidates for deacon to be aged 23 years or older, to have obtained a Bachelor of Ministry or Bachelor of Theology degree, and to have undertaken practical training.<sup>117</sup> Women can be ordained as deacons in the Anglican Church. We were told by Bishop Stead of the Diocese of Willochra that:

A person may be ordained to the diaconate permanently or it may be a transitional 'order', with the person being a deacon for a defined period, generally a minimum of one year prior to ordination as a priest. Deacons exercise a ministry of 'connecting' community and church, they can be thought of as 'ambassadors' to the community from the church.<sup>118</sup>

## The laity

The laity are non-ordained members of the Anglican Church. Lay people are represented in official church governance structures, including diocesan synods, diocesan councils, tribunals, committees, and the General Synod (as the House of Laity). Most parishes and church organisations employ lay people as youth workers or pastoral workers, and many are licensed to their ministries by diocesan bishops.<sup>119</sup>

During the public hearing for *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)*, we heard that there is a strong presence of legally trained people in governance roles in the diocese.<sup>120</sup> The *Chancellors Canon 2001* enacted by the General Synod, and adopted by the Diocese of Newcastle, specifies that a chancellor must be, or have been, one of the following: a judicial officer of an Australian court; a barrister or solicitor in an Australian jurisdiction of at least seven

years' standing; or a senior lecturer (or above) in law at an Australian university. The canon makes explicit that the chancellor and the deputy chancellor act primarily as legal advisers to the bishop and secondarily as advisers to 'the synod and other agencies of the diocese'.<sup>121</sup>

Most lay ministry in churches is conducted by volunteers. This includes ministries such as teaching Sunday school, leading youth groups, community outreach work and pastoral work.<sup>122</sup>

Reverend Dr Bruce Kaye AM, Adjunct Research Professor, Centre for Public and Contextual Theology, Charles Sturt University and a former General Secretary of the General Synod of the Anglican Church of Australia, told us in the *Institutional review of Anglican Church institutions* public hearing that the structure of the church is designed to give lay people power in decision-making.<sup>123</sup> Bishop Dr Macneil told us that 'laity always have been well represented in the Anglican Church, it is part of our governance. Part of our polity is the role of the laity in the church'.<sup>124</sup>

Archbishop Aspinall told us in the *Institutional review of Anglican Church institutions* public hearing that both male and female lay people have extensive involvement in the life of the Anglican Church. Archbishop Aspinall told us that 'Certainly nowadays at both diocesan level and at the national level of the General Synod, the carriage of major initiatives is very often in the hands of lay people, not in the hands of clergy'.<sup>125</sup>

### **The role of women**

In Australia, women were first ordained as deacons in 1986, as priests in 1992, and as assistant bishops in 2008.<sup>126</sup> As we noted earlier, in August 2017 it was announced that Bishop Goldsworthy had been elected Archbishop of Perth, the first woman to be elected an archbishop. As at March 2017, women may be ordained as priests in most Anglican dioceses in Australia, except in the dioceses of North West Australia, Sydney, and The Murray.<sup>127</sup>

Dr Muriel Porter OAM has been a lay member of the General Synod and the Standing Committee of the General Synod for almost 30 years.<sup>128</sup> Dr Porter told us in the *Institutional review of Anglican Church institutions* public hearing that there has been a significant cultural change in the Anglican Church as a result of increased participation by women.<sup>129</sup>

Dr Porter told us that, for instance, in the Diocese of Melbourne at least 20 per cent of the ordained clergy are women, and women also comprise one-third of the synod and the diocesan council.<sup>130</sup> Dr Porter also told us that, when she was elected to the Standing Committee of General Synod, 28 years ago, she was the only woman. Now, women make up 30 per cent of that committee.<sup>131</sup>

Bishop Dr Macneil told us in the *Institutional review of Anglican Church institutions* public hearing that since she was ordained as a deacon in 1993, there has been a significant shift in the culture of the church away from clericalism to 'a more open and transparent use of power and sharing of power between laity and clergy'.<sup>132</sup> In relation to the dioceses with which she has been associated (Canberra and Goulburn, Adelaide, and most recently Grafton), Bishop Dr Macneil told us:

The decision-making processes are more robust in the Bishops-in-Council that I have been part of. Greater debate has been happening in the various fora of the church. There have been more women involved and I believe that is a factor in the higher levels of leadership in the church.<sup>133</sup>

Bishop Dr Macneil, in considering what women in the Anglican Church do 'differently', commented on what she saw as the 'wider degree of consultation with people who may be stakeholders in a particular issue'.<sup>134</sup>

Archbishop Aspinall told us in the *Institutional review of Anglican Church institutions* public hearing that 'I think that certainly the increased involvement of women in leadership at all sorts of levels has gone hand in hand with changes in culture to make the church safer'.<sup>135</sup> Bishop Gregory Thompson, then the Bishop of Newcastle, told us that the ordination of women in the diocese 'was a watershed moment for the diocese having a new perspective, a new way of thinking about ministry, but also it broke the power of older men mentoring younger boys'.<sup>136</sup>

## Anglican schools

The Anglican Church was proactive in its provision of schools in colonial Australia. A number of parish primary schools, grammar schools and colleges, based on the doctrines of the Anglican Church, were founded during this time.<sup>137</sup> Since the 1980s, with the assistance of government funding, many Anglican dioceses have established 'low-fee' co-educational schools, mostly in outer suburban areas and growing regional centres.<sup>138</sup>

We received evidence in our case studies about the various ways in which Anglican schools are established and operated. Governance arrangements vary for these schools from diocese to diocese. We also heard that there is also variation within some dioceses as to how Anglican schools are established, operated, and governed.<sup>139</sup> Three dioceses told us that they did not have relationships with schools: the Diocese of Bendigo, the Diocese of Rockhampton and the Diocese of Willochra.<sup>140</sup>

In the Diocese of Brisbane, 11 schools are wholly owned by the Corporation of the Synod of the Diocese of Brisbane and the diocesan council is the governing body for each of those schools. There are another three schools in the diocese that are diocese-owned through subsidiary corporations, and four separately incorporated schools whose relationship to the diocese is



‘through the Anglican brand’.<sup>141</sup> In *Case Study 34: The response of Brisbane Grammar School and St Paul’s School to allegations of child sexual abuse (Brisbane Grammar School and St Paul’s School)*, we examined the institutional response of St Paul’s School in Bald Hills, Queensland, to allegations of child sexual abuse against Kevin Lynch and Gregory Robert Knight. St Paul’s School is a co-educational school operated by the Anglican Church of Australia and owned by the Corporation of the Synod of the Diocese of Brisbane.<sup>142</sup> Brisbane Grammar School is a non-denominational school.<sup>143</sup>

Some schools are licensed or permitted to use the name ‘Anglican’ in their title or have a historical association with the Anglican Church, but are otherwise separately incorporated. Archbishop Freier, in a statement provided for the *Institutional review of Anglican Church institutions* public hearing, told us that ‘schools within the Diocese of Melbourne are permitted, through historical precedent to use the name “Anglican” in their title. Often this is expressed as being “a school in the Anglican tradition”’.<sup>144</sup> He also said:

Many of the schools were formed through the efforts of Anglican forefathers and have over time become separately incorporated with constitutional provisions for the approval of certain Board appointments and/or with the Archbishop as ‘visitor’ to the school. Such arrangements are usually embedded within the provisions of the schools constitution and can differ from school to school.<sup>145</sup>

In *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school (The Hutchins School)*, we examined the response of The Hutchins School and the Diocese of Tasmania to the complaints of former students about child sexual abuse by a former headmaster and a teacher.<sup>146</sup> The Hutchins School is an independent Anglican school. Under the legislation governing the school, the Bishop of Tasmania is appointed as the ‘Visitor’ to the school, with powers prescribed by the legislation and common law. We found that these powers, in conjunction with the bishop’s role as ‘culture bearer’ at the school, allow the bishop to exercise a significant influence on the school.<sup>147</sup>

Many Anglican schools are separately incorporated, as noted (cited above) by Archbishop Freier in the case of the Diocese of Melbourne. Seven of the 16 Anglican schools in the Diocese of Perth are separately incorporated. Archbishop Driver, then Archbishop of Adelaide, told us in a statement provided for *Case Study 36: The response of the Church of England Boys’ Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys’ Society)* that:

Each school in the Diocese of Adelaide is separately incorporated. The only relationship the Synod has with the 10 Anglican schools in the Diocese is through their governance with the Archbishop/Synod having rights to appoint/confirm members to some of the school boards/councils as prescribed by that school’s constitution. Each school is different and no school has the same appointment formula as another. The Archbishop is the Visitor or President of nine of the ten schools ... The Archbishop also has the licensing authority of any school chaplain appointed to each school.<sup>148</sup>

In *Case Study 45: Problematic and harmful sexual behaviours of children in schools (Harmful sexual behaviours of children in schools)*, we examined, among other institutions, the institutional responses of two independent schools affiliated with the Diocese of Sydney: The King's School in Parramatta, New South Wales, and Trinity Grammar School in Summer Hill, New South Wales. This case study did not examine the governance relationships between the schools and the Anglican Church, although we did hear that the members of the councils of each school include members appointed by the Diocese of Sydney. Archbishop Davies is the president of the school council at The King's School, and he is also the ex-officio president of the school council at Trinity Grammar School.<sup>149</sup>

Similarly, in *Case Study 32: The response of Geelong Grammar School to allegations of child sexual abuse of former students (Geelong Grammar School)* we heard that Geelong Grammar School was first established in 1855 as an Anglican school and was known as Geelong Church of England Grammar School until 1988. The school is now a public company limited by guarantee. However, the school's association with the Anglican Church continues, as its constitution requires that the school council must have three members approved by the Archbishop-in-Council of the Anglican Church.<sup>150</sup>

Anglican schools are able to become members of Anglican Schools Australia (ASA), 'a network of Anglican schools established under the Strategic Issues, Commission, Task Forces and Networks Canon 1989'.<sup>151</sup> As at 2017, all Anglican schools are automatically members of ASA.<sup>152</sup> The core purpose of ASA is to support and serve Anglican schools in fulfilling their Christian Mission.<sup>153</sup> It does not have a governance or authority role over member schools.<sup>154</sup> Mr Jim Laussen, then President of ASA, told us in the *Institutional review of Anglican institutions* public hearing that ASA has a 'couple of primary purposes':

The most significant one is organising an annual conference and it's a conference at which principals, board members and chaplains have an ability to come together and learn and celebrate what it is to be connected as Anglican schools in the country.<sup>155</sup>

Anglican schools are also subject to state legislative requirements in relation to child protection and mandatory reporting.

As at March 2017, there were 162 Anglican schools in Australia.<sup>156</sup>

## Community services

In relation to the Anglican Church, 'community services' refers to a broad range of organisations, community groups and social programs delivered by, or under the name of, the Anglican Church of Australia.

Anglican Church dioceses directly deliver some community services, such as parish youth groups. Historically, Anglican Church dioceses have been involved in running children's homes and orphanages. During the *Anglican Diocese of Newcastle* public hearing we heard that from 1920 to 1980 the Diocese of Newcastle operated a children's home called St Alban's Home for Boys, in Cessnock, New South Wales. St Alban's Home for Boys was run by a committee of the diocesan synod, and clergy were members of that committee.<sup>157</sup>

In the *North Coast Children's Home* public hearing, we heard about the connections between the Diocese of Grafton and the North Coast Children's Home. We found that, at all relevant times, the North Coast Children's Home was strongly associated with the Anglican Church and controlled by a board of management whose members included the Rector of St Andrew's Church, Lismore. St Andrew's Church, Lismore, is located in the Diocese of Grafton. We found that the Diocese of Grafton, through its officers and members who were also on the board of management, shared responsibility with the board of management for the children who lived at the North Coast Children's Home.<sup>158</sup>

Other services are delivered by separately incorporated organisations using the 'Anglican' name. A large number of separately incorporated community services organisations across Australia share the name 'Anglicare'. Anglicare Australia was formed under the *Strategic Issues, Commissions, Task Forces and Networks Canon 1998*.<sup>159</sup> During the *Institutional review of Anglican Church institutions* public hearing, Bishop Dr Chris Jones, Chief Executive Officer, Anglicare Tasmania and Chair of Anglicare Australia told us that:

[Anglicare Australia is] an incorporated association that brings together those Anglican related welfare organisations who want to join, so it is a voluntary association. It is an association that has been recognised by the General Synod as a network under a canon of the General Synod, so it has an informal way of linking in with the broader General Synod structures.<sup>160</sup>

The organisations in this network provide services across a wide range of areas, including with children and other vulnerable people. Bishop Dr Jones told us that there are currently '31 members, not all are called Anglicare'.<sup>161</sup>

During the *Institutional review of Anglican Church institutions* public hearing, Reverend Professor Peter Sandeman, Chief Executive Officer of AnglicareSA, told us that the organisation he runs provides services such as aged care, disability services, out-of-home care and housing and homelessness services.<sup>162</sup> Reverend Dr Andrew Ford, General Manager, Missions & Partnerships, Anglicare Sydney, told us that historically, each Anglicare has their own mix of services. For instance, Anglicare Sydney provides aged care, out-of-home care and adoptions as well as emergency relief.<sup>163</sup>

While many of the 31 independent organisations in this network share the name ‘Anglicare’ and are members of Anglicare Australia the relationship with the diocese may vary. Reverend Professor Sandeman told us about the relationship between AnglicareSA and the Diocese of Adelaide:

in terms of the unincorporated church, we are part of the church; we are not part of the incorporated body called the Synod of the Diocese of Adelaide. But we are closely associated, and our relationship is really one of governance. The diocese, incorporated, provides for the most part our governance, but operationally we are a distinct organisation, as a company limited by guarantee.<sup>164</sup>

Bishop Dr Jones explained that Anglicare Tasmania operates slightly differently:

Our membership base is different. We are an incorporated association and so we have a group of members, of voluntary members – just over 30 – so there is a membership difference. Although, when it comes to the governance arrangements, of our nine directors, six are appointed by the bishop, the synod or the diocesan council. We can’t change the rules of association unless the diocesan council approves it.<sup>165</sup>

Reverend Dr Ford explained that Anglicare Sydney has limited accountability to the Diocese of Sydney:

We have regular reporting to the diocese. So our accountability is limited in the sense that we’re not accountable on matters of operation, but we will regularly give an account of our operations and the mission and vision of the organisation and other matters of concern to the synod.<sup>166</sup>

Anglicare Sydney also has a close governance relationship with the diocese, with the synod and archbishop electing members to the board of Anglican Community Services (of which Anglicare Sydney is a trading name).<sup>167</sup>

Registered charities in Australia are subject to contractual and regulatory obligations, imposed at the state and federal government levels.

## Anglican Board of Mission – Australia Ltd

The Anglican Board of Mission was established in 1850 and formally constituted as a board of the church by a canon of the General Synod in 1872.<sup>168</sup> In the 1880s, the Anglican Board of Mission supported missions for Aboriginal and Torres Strait Islander peoples. In Chapter 2, ‘Religion in Australia’, we consider the historical development of Christian missions in Australia, including their operation under various Aboriginal Protection Acts and their role in forcing Aboriginal people off their land and placing them in segregated reserves. We have heard from Aboriginal and Torres Strait Islander survivors who told us they were sexually abused as children in Christian mission institutions.

## Parachurch organisations

Parachurch organisations are Anglican in name but the level of involvement of the Anglican Church itself is varied. There are five parachurch organisations associated with the Anglican Church:<sup>169</sup>

- the Church of England Boys' Society (CEBS)
- GFS Australia Inc (formerly the Girls' Friendly Society)
- the Australian Council for the Mission to Seafarers Inc
- the Church Army in Australia
- the Council of the Mothers' Union in Australia Inc (Mothers' Union).

Structurally, CEBS, GFS Australia and the Mothers' Union tend to mirror the structure of the Anglican Church in that there are local branches within parishes and/or dioceses, with a national council. While these organisations are connected to and supported by the Anglican Church, they operate independently.<sup>170</sup>

CEBS was the focus of our *Church of England Boys' Society* case study. We examined the response of CEBS and the Anglican dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse against a number of people involved in or associated with CEBS. The responses of CEBS and the various dioceses to convicted and alleged perpetrators of child sexual abuse, and to survivors of child sexual abuse, are detailed in Section 12.4 and Section 12.5, 'Contemporary Anglican Church responses to child sexual abuse'.

CEBS was established to help nurture the spiritual development of boys aged between six and 16 years,<sup>171</sup> and to encourage their lifelong involvement in the Anglican Church.<sup>172</sup> CEBS branches held weekly meetings where boys played games, learned various skills and received spiritual training. Camping was a key activity for CEBS members.<sup>173</sup>

The first Australian CEBS branch was established in Victoria in 1914. Branches of CEBS then opened in various states. CEBS branches were generally attached to a parish or a particular church within the parish. CEBS reached its height in the 1970s and 1980s, but has since largely wound down. CEBS remains operational only in a handful of parishes in New South Wales, Western Australia, Victoria and the Northern Territory. It has changed its name in some jurisdictions to the Anglican Boys' Society or Boys' Ministry Australia.<sup>174</sup>

## 12.2 Private sessions and data about child sexual abuse in the Anglican Church

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This period was very traumatic and has impacted on my life in many ways ... I endured years of degrading treatment at the hands of those who were supposed to protect me, as well as by the other girls. The sexual acts that occurred on a regular basis were terrifying ...

I've finally been given a chance to be heard. If I can save just one child from abuse, then I need to relive this in the hope that this information will be used to implement programs in the welfare system to stop the abuse, and also to raise awareness of what really went on in the homes. And finally to be validated, so I can have closure.<sup>175</sup>

**Private session, 'Faye Helen'**

### 12.2.1 Background

As at 31 May 2017, of the 4,029 survivors who told us during private sessions about child sexual abuse in religious institutions, 594 survivors (14.7 per cent) told us about abuse in institutions managed by or affiliated with the Anglican Church. Of all religious organisations we heard about during private sessions, the Anglican Church was the second most frequently named. The religious organisation we heard about most frequently was the Catholic Church (61.8 per cent of survivors who told us during private sessions about child sexual abuse in religious institutions told us it took place in Catholic institutions). The experiences we heard about during private sessions contributed to our understanding of the nature and extent of child sexual abuse in Anglican institutions in Australia.

We also commissioned a survey to gather data from each of the 23 Anglican Church dioceses in Australia regarding complaints of child sexual abuse they had received. This survey is discussed in Chapter 6, 'The extent of child sexual abuse in religious institutions'. The result of the survey was the report *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia*. We refer to the data set out in that report as the 'Anglican Church complaints data'.<sup>176</sup>

In 2007 the General Synod of the Anglican Church engaged researchers to conduct a study of the nature and extent of reported child sexual abuse by clergy and church workers, including volunteers, within the Anglican Church in Australia. The resulting report, *Study of reported child sexual abuse in the Anglican Church*, was published in May 2009 (the 2009 report).<sup>177</sup>

As discussed in Chapter 6, information gathered through private sessions and the Anglican Church complaints data may not represent the demographic profile or experiences of all victims of child sexual abuse in institutions managed by the Anglican Church. Survivors attending private sessions did so of their own accord, and in this respect they were a ‘self-selected’ sample. Similarly, people who made a complaint to an Anglican Church diocese chose to do so – not all of those who experienced child sexual abuse in an institution managed by an Anglican Church diocese would have made a complaint about the abuse. As discussed in Volume 4, *Identifying and disclosing child sexual abuse*, delays in reporting are common and some people never disclose that they were abused. Consequently, the private sessions information and the Anglican Church complaints data almost certainly under-represent the number of victims of child sexual abuse.

The relative size of the Anglican Church in Australia, including the extent to which Anglican institutions have provided services to children, may have affected the number of allegations of child sexual abuse made in relation to Anglican institutions. Anglican Church dioceses have managed a large number of institutions providing services to children, including schools and residential institutions. It has not been possible for us to quantify the extent to which Anglican institutions have provided services to children over time, or the number of children who have had contact with Anglican institutions. In the absence of this information, it is not possible to estimate the incidence or prevalence of child sexual abuse within Anglican institutions.

One important limitation of the Anglican Church complaints data, as discussed in Chapter 6, is the impact of the governance arrangements of institutions affiliated with the Anglican Church, including residential and educational institutions. Some Anglican Church dioceses require affiliated institutions such as schools to report complaints to the diocese, which then manages the complaint. In other dioceses, complaints relating to affiliated institutions are not managed by the diocese. In those dioceses, complaints relating to affiliated institutions will only appear in diocesan records if the complainant themselves took the matter to the diocese. The Anglican Church complaints data will generally not include complaints made in relation to institutions that are administered independently.

Despite these limitations, the Anglican Church complaints data and accounts provided through private sessions each provide information about victims and survivors of child sexual abuse in Anglican institutions.



## 12.2.2 Number of complaints made to Anglican Church dioceses

The Anglican data report tabled today tells us more. We are appalled at the stark presentation of the number of abusers and those they harmed. It tells us that any processes we had in place did not prevent abusers working in our church as clergy and lay leaders, and in the roles most trusted to care of our children, as teachers and youth workers.<sup>178</sup>

**Ms Anne Hywood, General Secretary of the General Synod of the Anglican Church**

The Anglican Church complaints data showed that of the 23 Anglican dioceses in Australia that were surveyed, 22 dioceses reported that they had received one or more complaints of child sexual abuse in the period from 1 January 1980 to 31 December 2015.<sup>179</sup> The Diocese of Willochra in South Australia reported that they received no complaints in this period.<sup>180</sup>

The Anglican Church complaints data showed that, overall, 1,085 complainants alleged incidents of child sexual abuse in 1,119 reported complaints to Anglican Church dioceses (some complainants made a complaint of child sexual abuse to more than one Anglican Church diocese).<sup>181</sup>

The Diocese of Brisbane received the highest number of complaints, being a total of 371 complaints (33 per cent of all complaints).<sup>182</sup> The Diocese of Brisbane requires all Anglican schools within the diocese to report complaints of child sexual abuse to the diocese. Consequently, the number of complaints reported by this diocese in relation to schools is higher than those dioceses that require either some or none of the Anglican schools in their diocese to report complaints of child sexual abuse to the diocese.<sup>183</sup> The Diocese of Adelaide received the second highest number of complaints, being a total of 155 complaints (14 per cent of all complaints).<sup>184</sup> The Diocese of Adelaide included a significant number of complaints in their survey relating to the Church of England Boys' Society (CEBS).<sup>185</sup>

## 12.2.3 Victims of child sexual abuse in Anglican institutions

As soon as you turn the TV on, there it is, bang. Anyway I went to the doctor, to my GP, and I actually did have a nervous breakdown. Tears rolled out ... I had to explain 'cause bloody nearly needed a mop to come in and mop up the tears ... I'm a pretty solid bloke, you know, I'm a pretty staunch bloke, and I just turned to butter.<sup>186</sup>

**Private session, 'Edmund Vincent'**

## Gender and age of victims

As at 31 May 2017, of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, the majority (76.4 per cent), were male and 23.4 per cent were female.

Similarly, the Anglican Church complaints data showed a substantially higher number of male victims. Of those who made a complaint of child sexual abuse, 75 per cent were male and 25 per cent were female.<sup>187</sup> The 2009 report also found that three quarters of complainants were male.<sup>188</sup>

Of survivors who told us during private sessions about child sexual abuse in Anglican institutions, and who provided information about the age of the victim at the time of first abuse, the average age was 10.6 years.

The Anglican Church complaints data showed that the average age of the complainant at the time of the first alleged incident of child sexual abuse was approximately 11 years for both male and female complainants.<sup>189</sup>

## Date range and duration of abuse

The majority of survivors (72.1 per cent) who told us in private sessions about child sexual abuse in Anglican institutions told us about the duration of the abuse. Of those, 51.2 per cent said the abuse lasted up to a year. Many survivors (37.9 per cent) told us about abuse that lasted between one and five years. Slightly more than one in ten survivors (11.7 per cent) told us about abuse that lasted more than five years.

The Anglican Church complaints data showed that 74 per cent of complaints made to Anglican Church dioceses involved alleged child sexual abuse that commenced in the period from 1950 to 1989 inclusive.<sup>190</sup> The largest proportion of first-alleged incidents of child sexual abuse occurred in the 1970s (226 complaints, or 25 per cent of all complaints with known dates).<sup>191</sup>

Where the first and last dates of abuse were reported, the Anglican Church complaints data showed that the average duration of abuse in an Anglican institution was 1.7 years.<sup>192</sup> In 61 per cent of complaints the abuse occurred over a single year, and in 11 per cent of complaints the abuse occurred over a period of five years or more (where this information was reported).<sup>193</sup> Complaints that related to residential institutions had the highest average duration of alleged child sexual abuse (3.5 years).<sup>194</sup>

## Forms of abuse

Many survivors told us about other forms of abuse along with sexual abuse. Of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, 301 survivors (50.7 per cent) also told us about other forms of abuse. Of those, 253 survivors (84.1 per cent) told us about emotional abuse and 168 survivors (55.8 per cent) told us about physical abuse.

## Reporting of alleged child sexual abuse

The Anglican Church complaints data indicated that the gap between the first alleged incident of child sexual abuse and the date the complaint was received by the relevant Anglican Church diocese was more than 30 years in 51 per cent of complaints, and more than 20 years in 70 per cent of complaints. The average time between the first alleged incident date and the date the complaint was received was 29 years.<sup>195</sup>

### 12.2.4 Redress

I've never really thought about compensation. And 50 years is too long for an apology. It doesn't mean anything. It's going to be some letter on school letterhead, blah blah blah. The real reason I came here is to try and help so we can talk about how it doesn't happen again. That's the important thing – that it really doesn't happen again.<sup>196</sup>

**Private session, 'Ramsay'**

The Anglican Church complaints data indicated that, overall, 472 complaints of child sexual abuse to Anglican Church dioceses resulted in a payment being made following a claim for redress (42 per cent of all complaints). Anglican Church dioceses made total payments of \$34.03 million, at an average of approximately \$72,000 per payment, in response to complaints of child sexual abuse received between 1 January 1980 and 31 December 2015 (including amounts for monetary compensation, treatment, legal and other costs).<sup>197</sup>

It should be noted that, as of 2017, the Anglican Church in Australia has not had a national redress scheme. Anglican Church dioceses have had divergent approaches to redress, with no uniform approach to the payment of monetary compensation. Some individual dioceses have created redress schemes specific to their diocese to provide pastoral support and practical assistance, including monetary payments, to people who have been abused.

The Diocese of Brisbane reported both the highest total amount paid and the largest total number of payments (a total of \$10.68 million paid in relation to 145 payments, at an average of approximately \$74,000 per payment).<sup>198</sup> The Diocese of Newcastle had the highest average total payment at an average of approximately \$183,000 per payment (of those Anglican Church dioceses who made at least 10 payments).<sup>199</sup>

The Anglican Church complaints data showed that the most commonly used redress process that resulted in a payment was an 'other' redress process (46 per cent of complaints resulted in a monetary payment).<sup>200</sup> An 'other' redress process is where a complainant seeks redress from an Anglican Church diocese directly or through a solicitor or advocate, rather than through a church-organised process. The Anglican Church complaints data also showed that, of all redress processes, the highest total amount of monetary payment was through civil proceedings (\$12.74 million). The highest average monetary payment paid was through civil proceedings only (approximately \$116,000 per complainant).<sup>201</sup>

The Anglican Church complaints data indicated that complaints involving alleged perpetrators who were lay people had the highest proportion resulting in payments (50 per cent), the highest total payments (\$23.17 million) and the highest average payments (approximately \$77,000).<sup>202</sup>

## 12.2.5 Alleged perpetrators of child sexual abuse in Anglican institutions

### Number of alleged perpetrators

The Anglican Church complaints data identified a total of 569 alleged perpetrators of child sexual abuse (ordained clergy and lay employees, including teachers or volunteers). Additionally, 133 people whose identities were not known were the subject of complaints. It cannot be determined whether any of those unidentified alleged perpetrators were identified by another complainant in a separate complaint.<sup>203</sup>

### Gender and age of alleged perpetrators

Of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, the majority (376 survivors or 63.3 per cent) provided information about the age of the person who sexually abused them. Of those, 309 survivors (82.2 per cent) told us about abuse by an adult (18 years or over) and 90 survivors (23.9 per cent) told us about abuse by another child (under 18 years). A small number survivors told us about abuse by both an adult and by another child.

Of the 309 survivors who told us during private sessions about child sexual abuse by adult perpetrators in Anglican institutions, 296 survivors (95.8 per cent) said they were abused by a male adult. Far fewer (13 survivors or 4.2 per cent) said they were abused by a female adult.

The Anglican Church complaints data showed that 94 per cent of alleged perpetrators were male and 6 per cent were female.<sup>204</sup> Similarly, the 2009 report found that there were 135 alleged perpetrators identified through the study, of which 133 were male and two were female.<sup>205</sup>

The Anglican Church complaints data showed that the average age of alleged perpetrators (where this information was known) at the time of the first alleged incident of child sexual abuse was 43 years.<sup>206</sup>

### Positions held by alleged perpetrators

Of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, 565 survivors (95.1 per cent) told us about the position held by a perpetrator. Of those, around a quarter (26.0 per cent) told us the perpetrator was a person in religious ministry, 21.8 per cent told us the perpetrator was a teacher, 15.0 per cent told us the perpetrator was a residential care worker and 11.5 per cent told us the perpetrator was a housemaster. Smaller numbers of survivors told us about abuse by volunteers or foster carers.

Some perpetrators held more than one position, such as people in religious ministry who were also teachers.

The Anglican Church complaints data showed that of alleged perpetrators identified in complaints of child sexual abuse, 50 per cent were lay people and 43 per cent were ordained clergy (the religious status in respect of the other 7 per cent was unknown).<sup>207</sup>

Historically, Anglican schools have had a high proportion of lay teachers relative to other schools affiliated with religious organisations. The Anglican Church complaints data showed that of all complaints regarding non-residential Anglican schools, 8 per cent involved alleged perpetrators who were ordained clergy and 86 per cent involved lay people.<sup>208</sup> For residential schools operated by the Anglican Church, 21 per cent of complaints involved ordained clergy as the alleged perpetrator and 69 per cent involved lay people.<sup>209</sup>

### Multiple perpetrators

Many survivors told us about abuse by more than one perpetrator. Of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, 132 survivors (22.2 per cent) told us about abuse by more than one person (not necessarily at the same time).

The Anglican Church complaints data showed that 10 per cent of complainants made a complaint about abuse by more than one alleged perpetrator.<sup>210</sup>

## Children with harmful sexual behaviours

Of the 376 survivors who told us during private sessions about child sexual abuse in Anglican institutions, and who provided information about the age of the person who sexually abused them, 90 survivors (23.9 per cent) told us about abuse by another child.

Of those 90 survivors, 82 survivors (91.1 per cent) told us about abuse by a boy and 12 survivors (13.3 per cent) told us about abuse by a girl.

The Anglican Church complaints data did not include analysis of complaints relating to children who were alleged to have sexually abused other children.

### 12.2.6 Anglican Church institutions

Of the 594 survivors who told us during private sessions about child sexual abuse in Anglican institutions, 36.0 per cent told us about abuse in residential institutions before 1990, 32.8 per cent told us about abuse in schools, 20.2 per cent told us about abuse that occurred in places of worship or during religious activities, and 7.2 per cent told us about abuse that occurred during recreational activities such as church-run youth camps.

The Anglican Church complaints data differed in that it indicated that the most common location types where incidents of child sexual abuse were alleged to have occurred were either residential or non-residential schools (22 per cent), the alleged perpetrator's home (20 per cent), orphanages/residential homes (14 per cent), and youth camp/recreational facilities (14 per cent).<sup>211</sup>

### 12.2.7 The 2009 *Study of reported child sexual abuse in the Anglican Church*

As noted above, in 2007, the Professional Standards Commission of the Anglican Church commissioned researchers to conduct a survey in relation to reported child sexual abuse in the Anglican Church.<sup>212</sup> The resulting report, *Study of reported child sexual abuse in the Anglican Church*, was published in May 2009.<sup>213</sup>

The researchers drafted a questionnaire to be answered by professional standards directors in each diocese. The study was limited to child sexual abuse which occurred in parishes, as opposed to schools, children's homes or welfare organisations. Professor Patrick Parkinson AM, professor of law, University of Sydney, who was one of the authors of the 2009 report, noted that no diocese could be compelled to participate and three declined to participate: the dioceses of Ballarat, The Murray and Willochra.<sup>214</sup>

The 2009 report analysed 191 alleged cases of child sexual abuse reported to 17 Anglican Church dioceses between 1990 and 2008, to see what lessons could be learned to improve efforts at child protection.<sup>215</sup>

Key findings of the 2009 report included:<sup>216</sup>

- ‘Unlike patterns of abuse in the general population, three quarters of complainants were male and most were between the ages of 10 to 15 at the time of abuse.’
- ‘Most accused persons were either clergy or were involved in some form of voluntary or paid youth work.’
- ‘Ongoing abuse lasting three years or more was significantly more common among male complainants.’
- ‘There were long delays in reporting offences to the Church by the complainants, with an average delay of 23 years.’

The 2009 report made recommendations to the Anglican Church as to how it could improve its child protection strategies and response to disclosures of historical abuse. Those recommendations were divided into five broad subcategories:<sup>217</sup>

- ‘Concentrate on youth groups and organisations.’
- ‘Enforce codes of conduct strictly.’
- ‘Focus educational efforts on awareness of the risk of abuse of boys.’
- ‘Improve recordkeeping.’
- ‘Develop a pastoral response to victims of sexual abuse for the long term.’

## 12.3 The development of national model procedures in the Anglican Church

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I think everybody accepts that reform is necessary. I think it's when it comes to the detail, Ms Furness, that there are disagreements about details, and anybody looking objectively at the history of the Anglican Church of Australia will see that we have really struggled to deliver uniformity. It is a problem for us and it is, I think, because it is enshrined structurally in our constitution. When the power lies in the diocese, it's almost a recipe to guarantee diversity.<sup>218</sup>

**Archbishop Phillip Aspinall, Archbishop of Brisbane**



This section discusses the significant steps taken by the Anglican Church of Australia towards developing model procedures at a national level for responding to the issue of child sexual abuse in Anglican Church institutions by clergy, church workers and lay people.

In the late 1990s and early 2000s, a number of high-profile child sexual abuse cases brought the problem of child sexual abuse in a number of Anglican Church institutions into sharp focus and led to church-initiated inquiries at a diocesan level.

By at least 1998 there was a recognition in the annual meeting of Anglican bishops (known as the Bishops' Conference) that Anglican Church institutions would benefit from a comparison of diocesan protocols for responding to sexual abuse, including child sexual abuse.<sup>219</sup>

In 2001, the General Synod of the Anglican Church began the process of developing national model procedures that it would eventually recommend be adopted by all Anglican dioceses. The General Synod also established the Child Protection Committee to make recommendations relating to child protection in the Anglican Church. In 2002, the General Synod established the Sexual Abuse Working Group to develop protocols and other measures for the handling of sexual abuse matters by Anglican institutions.

The 13<sup>th</sup> Session of the General Synod of the Anglican Church in 2004 was a significant turning point in the Anglican Church's response to child protection and child sexual abuse. The General Synod publicly apologised to survivors of sexual abuse. The Child Protection Committee delivered a report to the General Synod, called *Making our church safe*. It recommended the standardisation of policies and procedures for the screening and training of clergy and church workers, pastoral responses to victims and survivors, and ministry support for clergy.<sup>220</sup> *Making our church safe* also proposed a code of conduct, *Faithfulness in service: a national code for personal behaviour and the practice of pastoral ministry by clergy and church workers* (Faithfulness in service), for adoption by all dioceses.

In addition, the Sexual Abuse Working Group developed the professional standards framework, including the Model Professional Standards Ordinance, which was intended to provide a more accessible and transparent mechanism for handling complaints of child sexual abuse in the Anglican Church. These measures were introduced at the General Synod in 2004.

Despite these developments, and efforts at a national level to standardise and encourage the implementation of uniform policies and procedures concerning child protection and child sexual abuse in Anglican institutions, there are still different policies and procedures in place in the 23 dioceses of the Anglican Church in Australia. A significant factor contributing to the existence of these differences is the principle of diocesan autonomy, discussed in Section 12.1, 'Structure and governance of the Anglican Church'.

These structural barriers to national consistency are a longstanding feature of the Anglican Church. We heard from senior Anglican Church personnel in *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)* that, parallel to the development of a national response to child sexual abuse, members of the Anglican Church have recognised that there are both constitutional and cultural barriers to the adoption of a truly national and uniform response to child sexual abuse.

From 2002 until 2017, the General Synod made several attempts at achieving national uniformity. However, none of these attempts have achieved the goal set out in 2004: that the Anglican Church's approach to child protection and response to sexual misconduct be 'comprehensive' and 'uniform'.

Archbishop Phillip Aspinall, Archbishop of Brisbane and former primate of the Anglican Church of Australia, told us during the *Institutional review of Anglican Church institutions* public hearing that the Anglican Church may need an 'external push' to help them achieve this objective.<sup>221</sup> Mr Garth Blake SC, Chair of the Anglican Church Professional Standards Commission and Chair of the Royal Commission Working Group, said that he would regard the need for an 'external push' as 'a continuing moral failure'.<sup>222</sup>

At the time of the *Institutional review of Anglican Church institutions* public hearing in March 2017 the General Synod was developing several initiatives to achieve uniform 'minimum standards' across the church. At the 17<sup>th</sup> Session of the General Synod in September 2017, the General Synod adopted the *Safe Ministry to Children Canon 2017* which seeks to implement minimum standards across the 23 Anglican dioceses. At the time of writing, the *Safe Ministry to Children Canon 2017* is yet to be adopted by all 23 Anglican dioceses.

### 12.3.1 Developments between the early 1990s and 2000

In Section 12.4, 'Early Anglican Church responses to child sexual abuse', we consider the early responses of Anglican institutions to survivors and convicted or alleged perpetrators from the 1960s until the late 1990s. This was a period before the Anglican Church had begun to develop national-level model policies and procedures for responding to child sexual abuse.

Between 1994 and 2004 several inquiries, including a Royal Commission and three independent inquiries initiated by Anglican institutions, examined the responses of various Anglican dioceses to allegations of child sexual abuse. These inquiries, and their subsequent reports and findings, attracted significant media attention. They also resulted in the resignation of a serving archbishop and a governor-general, and the retirement of another serving bishop.

## Royal Commission into the New South Wales Police Force

In Chapter 5, 'Australian inquiries relating to child sexual abuse in religious institutions', we discuss the Royal Commission into the New South Wales Police Service (the Wood Royal Commission). The Wood Royal Commission was established in May 1994.<sup>223</sup> In December 1994 the scope of the inquiry was widened to consider the protection of paedophiles by the NSW Police Force.<sup>224</sup> The Wood Royal Commission published its final report in 1997.

Among other things, the Wood Royal Commission examined allegations of child sexual abuse against an Anglican minister in the Diocese of Sydney, who was alleged to have begun a sexual relationship with a girl when she was 14 years old.<sup>225</sup> The Wood Royal Commission did not publish recommendations or findings specifically about the Diocese of Sydney, although it raised a concern in its report about the apparent reluctance of the diocese to pay for counselling for the complainant which she had sought in response to the alleged abuse.<sup>226</sup>

The Wood Royal Commission considered policies developed by the Diocese of Sydney between 1993 and 1997, including a draft code of conduct for clergy.<sup>227</sup> Bishop Roger Herft, then Bishop of Newcastle, told us in *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)* that, by 1996 and as a result of the Wood Royal Commission, paedophilia had 'certainly become part of my consciousness'.<sup>228</sup>

## Independent inquiry in the Diocese of Tasmania

On 30 August 1997 the Tasmanian newspaper *The Mercury* published an article featuring the story of 'Simon' (a pseudonym for child sexual abuse survivor David Gould, who later gave evidence in *Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys' Society)*). In the article Mr Gould alleged that he had been sexually abused as a child by Anglican priests. He began agitating for an inquiry and organised 20 abuse survivors to picket a Sunday service at St David's Cathedral in Hobart.<sup>229</sup>

In response, the then Bishop of Tasmania, Bishop Phillip Newell, established an independent pastoral inquiry into allegations of abuse by priests in the Diocese of Tasmania (Tasmanian Inquiry).<sup>230</sup> The Tasmanian Inquiry was pastoral in nature rather than investigative or quasi-judicial. Survivors could make submissions to the inquiry but had to separately notify police of any allegations.

The Tasmanian Inquiry resulted in a report called *Not the way of Christ: Report of the independent pastoral inquiry into sexual misconduct by clergy or officers of the Anglican Diocese of Tasmania with particular reference to paedophilia* (*Not the way of Christ* report), published in March 1998.<sup>231</sup> The *Not the way of Christ* report was circulated to Tasmania Police, all parishes in the Diocese of Tasmania, all other dioceses and diocesan bishops in Australia and the General Secretary of the General Synod.<sup>232</sup>

In the *Not the way of Christ* report, the authors acknowledged that:

The exploitation of the vulnerable for sexual purposes by those in positions of power, has been a major issue in the late twentieth century. This has been highlighted recently in Australia by the release of the findings of Justice James Woods' (sic) Royal Commission into paedophilia in N.S.W. in August 1997.<sup>233</sup>

Mr Gould told us in the *Church of England Boys' Society* public hearing that:

I gave evidence at the [Tasmanian] inquiry. Overall, I thought that the process of giving evidence at the inquiry was fairly well done and I felt that I got to tell my story the best I could at that time in my journey. I did come away with a feeling of dissatisfaction because they did not seem to be interested in the contemporary risks of children being abused by clergy.<sup>234</sup>

The *Not the way of Christ* report raised concerns about the tribunal process for disciplining clergy set out in the 1962 Constitution of the Anglican Church. The report expressed concern that judicial findings in criminal trials could not be considered sufficient evidence in a tribunal process and that evidence from a criminal trial would have to be heard again by the Anglican Church tribunal.<sup>235</sup>

It also recommended the Diocese of Tasmania write to dioceses that had licensed clergy or employed church workers who were subject to complaints before the Tasmanian Inquiry.<sup>236</sup> The Diocese of Tasmania wrote to several other dioceses to advise of complaints against licensed clergy or employed church workers in those dioceses.<sup>237</sup>

## Board of inquiry in the Diocese of Brisbane

In November 2001 a survivor of child sexual abuse began civil proceedings against the Diocese of Brisbane relating to sexual abuse she alleged was perpetrated by Kevin Guy (now deceased) at Toowoomba Preparatory School, Queensland. The civil proceedings focused on the response of Toowoomba Preparatory School, the Diocese of Brisbane and the former Archbishop of Brisbane, Dr Peter Hollingworth, to complaints about Kevin Guy. In December 2001 the survivor was awarded approximately \$800,000 in damages.<sup>238</sup>

In February 2002, Archbishop Aspinall, newly installed as the Archbishop of Brisbane, announced the establishment of an independent inquiry into the handling of complaints of sexual abuse in the diocese (the Brisbane inquiry). The resulting report, *Report of the Board of inquiry into past handling of complaints of sexual abuse in the Anglican Church Diocese of Brisbane*, was published in May 2003.<sup>239</sup>

In addition to Mr Guy, two of the alleged perpetrators considered by the Brisbane inquiry were Kevin Lynch and John Litton Elliot. The institutional responses of St Paul's School, Brisbane and the Diocese of Brisbane to allegations against school counsellor Kevin Lynch were considered in *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse (Brisbane Grammar School and St Paul's School)*. The institutional responses to Elliot, among other convicted and alleged perpetrators, were considered in the *Church of England Boys' Society* case study.

Dr Hollingworth made submissions to the Brisbane inquiry. The Brisbane inquiry was critical of the way that Dr Hollingworth had handled allegations of child abuse against Elliot and it rejected Dr Hollingworth's assertion that a survivor's sexual abuse by Elliot was an 'isolated occurrence'. The Brisbane inquiry found that Dr Hollingworth's decision to permit Elliot to remain in ministry was 'untenable', even though the decision was made in good faith and in the belief that precautionary conditions imposed minimised the risk of recurrence. The Brisbane inquiry said that a survivor's complaint 'was not handled fairly, reasonably or appropriately'.<sup>240</sup> We considered Dr Hollingworth's response to this survivor, who we gave the pseudonym BYB, during the *Church of England Boys' Society* public hearing. Dr Hollingworth told us in the *Church of England Boys' Society* public hearing that he accepted the Brisbane inquiry's findings about him.<sup>241</sup>

The Brisbane inquiry also found that the Diocese of Brisbane did not have clear guidelines for reporting suspicions and complaints of child sexual abuse.<sup>242</sup>

## Independent inquiry in the Diocese of Adelaide

In 2003 the Synod of Adelaide publicly apologised for child sexual abuse committed by clergy and church workers in the Diocese of Adelaide and announced an independent inquiry (the Adelaide inquiry). Like the church-initiated inquiries in Tasmania and Brisbane, this inquiry in the Diocese of Adelaide was initiated in the context of media interest in the diocese's response to complaints. The complaints were about Robert Brandenburg, a lay leader in the Church of England Boys' Society (CEBS).

The resulting report of the Adelaide inquiry, *Report of the Board of inquiry into the handling of claims of sexual abuse and misconduct within the Anglican Diocese of Adelaide*, was published and tabled in the parliament of South Australia in May 2004.<sup>243</sup>

Initially the Adelaide inquiry was primarily concerned with allegations that Mr Brandenburg had sexually abused CEBS members. However, the inquiry also gathered information about a number of other allegations of sexual abuse by other alleged perpetrators and the handling of those allegations by the Diocese of Adelaide. By the end of its information-gathering process, the Adelaide inquiry had heard evidence from 95 witnesses at formal hearings and taken preliminary statements from about 47 other people.<sup>244</sup>

The report criticised the Diocese of Adelaide's handling of complaints of child sexual abuse, finding that:<sup>245</sup>

- There was a general prevailing culture of minimisation or actual disbelief and, in most instances, an aggressive rejection of assertions of misconduct on the part of members of the clergy, especially if those claims were made by young people.
- There was an inadequate understanding of child sexual abuse and a lack of knowledge about child sexual abuse perpetrators, which had a number of negative impacts.
- Complaints and concerns were treated as single isolated incidents and not considered as part of a broader pattern of behaviour that might involve more than one victim. An admission of inappropriate sexual behaviour and the alleged perpetrator's promise that such behaviours would not continue were often considered adequate intervention.
- The attitude of the church was, in its practical effect, both uncaring towards the victims and sometimes undermining of the characters of both the victims and their families. The primary focus was on the church and any likely effect on it or its priests.
- The church was reluctant to acknowledge the reality of the situation and repair the harm done to victims because of a fear of besmirching the reputation of the church and the consequences of possible civil litigation.
- In some cases there was a focus on extending compassion and forgiveness to the offender rather than properly considering the needs of the victim.

The Adelaide inquiry concluded that what had occurred had seriously damaged the reputation of the Anglican Church in the eyes of the community. It said that a great deal of 'fence mending' needed to be done to improve the image of the church and to change the perception of those who had been disillusioned by past events.<sup>246</sup> Among other things, it recommended improvements to record management and complaint handling in the Diocese of Adelaide.<sup>247</sup>

The Diocese of Adelaide and Archbishop Ian George, who was then the Archbishop of Adelaide, were criticised for their response to complaints of child sexual abuse. The archbishop was also criticised for his handling of a complaint against a school chaplain around the same time. In June 2004, Archbishop George resigned after the professional standards committee and the diocesan council expressed a lack of confidence in his position.<sup>248</sup>

In the *Church of England Boys' Society* public hearing, Bishop George told us he believed that the diocesan council considered that he had been too defensive of the church in his dealings with the media:

I think they felt that I was being too defensive on behalf of the church, with the media, and that this didn't reflect appropriately on where we were at that time and I think they were probably right.<sup>249</sup>

## Growing awareness of the issue of child sexual abuse in the Anglican Church

During the same period when the independent inquiries in Tasmania, Brisbane and Adelaide were being conducted, the broader Anglican Church became aware of the need for a national response to the issue of child sexual abuse. Various sessions of the General Synod discussed the issue of child sexual abuse, giving it increasing prominence at a national level. In 1998 and 1999 the Bishops' Conference considered the need for a uniform, national response.

The 9<sup>th</sup> Session of the General Synod in 1992 resolved:

That General Synod note that work is being done by the Social Responsibilities Commission on the issue of child sexual abuse, encourage the Commission in its work, and recognise its importance to the pastoral ministry of the Church.<sup>250</sup>

As we discuss in Section 12.4, dioceses were developing their own diocese-based guidelines and protocols relating to child sexual abuse at around this time.

At its 11<sup>th</sup> Session in 1998, the General Synod passed the *Offences Canon Amendment Canon 1998*.<sup>251</sup> The General Synod also debated a bill titled *Clergy Discipline (Disclosure of Confessions) Canon 1998*. This bill provided for confessions of child sexual abuse by clergy or church workers to be disclosed to the diocesan bishop and diocesan tribunal or other disciplinary proceedings.<sup>252</sup> Although the General Synod did not pass the bill, it resolved to establish a task force to consider issues relating to confessions of child sexual abuse.<sup>253</sup> This task force was formally established in June 1998 as the Clergy Discipline Working Group, and Mr Blake SC was appointed chair.<sup>254</sup>

In the *Anglican Diocese of Newcastle* public hearing, the former diocesan bishop, Archbishop Roger Herft, agreed that, in around 1998, paedophilia was a 'very live issue' within the Anglican Church at a national level.<sup>255</sup> Archbishop Herft told us that 'I think that the matter of paedophilia was certainly, as a part of the Tasmanian report, becoming more conscious in the life of the church'.<sup>256</sup>



In April 1998, the annual Bishops' Conference tasked the General Secretary of the General Synod with preparing a report that compared the various sexual misconduct policies and procedures in the 23 dioceses of the Anglican Church in Australia.<sup>257</sup> The resulting report, *A comparison of diocesan sexual harassment documents*, noted that, as at 1998, five dioceses did not have sexual harassment or abuse protocols in place and two dioceses addressed the issue within a broader protocol.<sup>258</sup> The report found there were differences across the protocols in dioceses, including:<sup>259</sup>

- the definition of sexual harassment or misconduct
- who the protocols applied to – for instance clergy, church workers or lay people
- who the complaint is made to
- time limits for making complaints
- possible outcomes of complaints, including suspension of those accused
- whether there was a process for releasing information to other dioceses.

The report noted that the comparison across dioceses revealed a number of issues relating to improving consistency including the need for the development of:<sup>260</sup>

- provincial or national protocols
- an agreed definition of sexual harassment, abuse and misconduct
- a uniform recordkeeping system including administrative procedures to ensure confidentiality and preservation of material.

The next Bishops' Conference was held in 1999. In a letter dated 20 June 1999 to Peter Mitchell, the registrar of the Diocese of Newcastle, Reverend Dr Bruce Kaye AM (who was then the General Secretary of the General Synod) wrote:

As to whether there is any move to look at [a protocol for handling complaints of sexual misconduct] provincially or nationally, I can say that the Bishops' Conference when they reviewed the comparison decided that it was too difficult to do something nationally. This was partly because of the different jurisdictional questions that applied in different states. My own view is that this question will not go away and that while the question of different state jurisdictions may be an obstacle for a national review, it is not the greatest obstacle. The greatest obstacle is the different experience and different concerns of the dioceses.<sup>261</sup>

The views expressed in this letter identify the impediments to the Anglican Church developing a nationally consistent approach to the issue of sexual abuse, including child sexual abuse.

## 12.3.2 Developments between 2001 and 2004

### 2001 – Child Protection Committee

The 12<sup>th</sup> Session of the General Synod in 2001 resolved as follows to establish the Child Protection Committee:

That this Synod requests the Primate to establish a committee to consider the issue of child protection in the Church, including:

- (a) the licensing of clergy and appointment of lay persons who have been convicted of a serious sexual offence;
- (b) the adequacy of current disciplinary measures and protocols;
- (c) the screening of all persons who work with children;
- (d) the training of ordinands and lay leaders and post-ordination training for clergy on the issue of child abuse;

and to report with appropriate recommendations and any draft legislation to the next session of General Synod.<sup>262</sup>

The General Synod passed other resolutions including requiring dioceses to institute or maintain a system of screening all persons who work with children. Other resolutions required diocesan bishops to ensure that training for lay leaders and for ordinands, as well as post-ordination training for clergy included instruction on human sexuality, abuse of people generally, the sexual abuse of children in particular, and the hearing of private confessions.<sup>263</sup> A further resolution asked the House of Bishops to create pastoral guidelines about the hearing of private confessions, particularly in relation to child sexual abuse.<sup>264</sup>

These resolutions laid the groundwork for the significant work done by the Child Protection Committee from 2002 to 2004, which we discuss further below.

### 2002 – National apology

By 2002, several diocesan bishops had publicly apologised on behalf of their dioceses for child sexual abuse.<sup>265</sup> In March 2002 the Standing Committee of the General Synod published an apology in relation to child sexual abuse:

The Anglican Church declares its abhorrence of any sexual abuse of children. Such behaviour is clearly contrary to both the gospel and the law. The Standing Committee acknowledges the benefits of many significant Anglican ministries among children.

However, the church regrets that there have been instances of abuse involving some Anglican clergy, church officers and institutions and apologises to all victims of such misconduct for their ongoing hurt and the breakdown in pastoral relationships.

The church is sorry that in some places it has failed in the past adequately to respond to claims of abuse. It has now initiated steps to ensure that appropriate protocols are in place across Australia and commits itself to be open and transparent in dealing with this matter.<sup>266</sup>

This was the first apology by the Anglican Church at a national level in relation to child sexual abuse.

## 2002–2003 – Sexual Abuse Working Group

The Standing Committee of the General Synod established, in March 2002, the Sexual Abuse Working Group (Working Group). The Working Group's terms of reference included developing:<sup>267</sup>

- national protocols for dealing with sexual abuse claims against church officers or institutions
- appropriate screening procedures to operate at all appropriate levels
- discipline guidelines for such cases
- suggested model legislation for dioceses
- recommendations on the above matters to dioceses.

The Working Group reported to the Standing Committee of the General Synod in March 2003.<sup>268</sup> The then primate, Archbishop Peter Carnley AO, former Archbishop of Perth, remarked in the preface of the Working Group's report that its work was the 'first co-ordinated step at a national level towards the proper handling by the Church of information concerning sexual abuse and sexual misconduct of clergy and church workers'.<sup>269</sup>

The Working Group's report identified barriers to both dioceses and survivors using the diocese-based protocols on handling sexual abuse and sexual misconduct of clergy and church workers, including:<sup>270</sup>

- a misplaced belief by some church officials that they have the ability to deal with these issues satisfactorily in their own way
- lack of accessibility of the protocol in terms of social and cultural barriers
- lack of trust in the protocols due to past failings.

The Working Group recommended that any protocol 'must' address past failures by church authorities or bodies to properly respond to information concerning 'examinable conduct' as defined by the protocol.<sup>271</sup>

The Working Group concluded that the national protocol should apply to all church workers, including ordained clergy and lay persons employed by the church or otherwise appointed or licensed to a position where they work with children or young people. This included all those employed or volunteering with parishes, schools, body corporates, organisations or associations connected to the Anglican Church. The Working Group recognised that the Anglican Church had limited ability to regulate some of the separately incorporated church entities, such as schools and community service organisations, and that the issue of who would be covered by a protocol would be a matter for each diocese.<sup>272</sup>

The Working Group recommended that the national protocol include:<sup>273</sup>

- a clearly described system for receiving, assessing, investigating and resolving information and complaints
- reporting allegations involving possible illegal behaviour to the police
- reporting allegations which suggest that a child or children are at risk of harm to the state or territory child protection authorities
- a concise description of the processes involved in determining a person's fitness to hold office if there are allegations against them.

These recommendations were ultimately transformed into the Model Professional Standards Ordinance, discussed in Section 12.3.5, 'Key national policies and initiatives'.

The Working Group recommended that each diocese adopt, as an interim measure, a similar structure for responding to sexual abuse and misconduct by clergy and church workers, including a diocesan professional standards committee and a director of professional standards. Other recommendations included providing contact persons for complainants/informants and respondents, and developing protocols for working with child protection authorities.<sup>274</sup>

The Working Group recommendation for a national protocol sought to address what it saw as shortcomings in the Anglican Church tribunal system of discipline. The Working Group reported that 'Concepts of blame and of disciplinary punishment inherent in the present legislation are by themselves inappropriate to deal with this problem'. Instead, it reported, the primary concern of the church and the community is the question of whether the alleged conduct goes to the person's ongoing fitness to hold office or whether it should exclude them from office for the protection of the public.<sup>275</sup>

The Working Group identified a concern that the tribunal system placed a bishop in an 'impossible position', as he or she may bring a charge, be president of the tribunal and also be expected to provide support to a complainant and a respondent. It said that a more 'enlightened approach' was required.<sup>276</sup>

The Working Group recognised that the integrity of the system would fail if there were not a uniform approach. It also recognised that the constitutional limitations on the ability of the General Synod to compel dioceses to adopt a canon was a barrier to the implementation of such a protocol.<sup>277</sup> Consequently the Working Group recommended that each diocese implement the proposed scheme 'as far as possible' uniformly and that they be discouraged from amending it, except in line with national amendments. The report of the Working Group acknowledged that 'What is important is that this Church presents a unified and workable approach to a problem that does not know diocesan boundaries'.<sup>278</sup>

The Standing Committee of the General Synod met in March 2003 and adopted the Working Group's recommendations for a national model procedure for handling sexual abuse and sexual misconduct by clergy and church workers. The Standing Committee recommended that each diocese adopt the model system for responding to complaints, as recommended by the Working Group.<sup>279</sup>

We discuss the manner in which dioceses adopted or diverged away from this model system below and in Section 12.5, 'Contemporary Anglican Church responses to child sexual abuse'.

### 12.3.3 The 2004 General Synod

#### National apology

In his presidential address to the 13<sup>th</sup> Session of the General Synod in 2004, Archbishop Carnley acknowledged the failures of the church in responding to complaints of child sexual abuse. He stated:

We rightly and honestly, and with sincere regret, own the mistakes of the past in a spirit of profound repentance. On a number of occasions now an offer of apology has been made in specific dioceses to those who unfortunately and tragically have been victimized. We re-affirm that apology now in the name of the National Church, for we are all members one of another, and must share the blame for the development of a culture in which shortcomings in the handling of complaints have been endemic ...

The single most important issue facing us right now at this General Synod is to ensure that the mistakes of the past are never again repeated.<sup>280</sup>

At this 13<sup>th</sup> Session of the General Synod, an apology to survivors of sexual abuse was read by all members:

That this General Synod and we as members of it acknowledge with deep regret and repentance the past failings of the Church and its members. On behalf of the whole Anglican Church in this country we apologise unreservedly to those who have been harmed by sexual abuse perpetrated by people holding positions of power and trust in the Church. We apologise for the shameful way we actively worked against and discouraged those who came to us and reported abuse. We are ashamed to acknowledge that we only took notice when the survivors of abuse became a threat to us. We apologise and ask forgiveness for the Church's failure at many levels to listen to and acknowledge the plight of those who have been abused, to take adequate steps to assist them, and to prevent abuse from happening or recurring. We commit the Church to listen to survivors of abuse, to respond with compassion to all those who have been harmed, both to those who have come forward and to those who may choose to do so in the future, and to deal appropriately, transparently and fairly with those accused of abuse and negligence.<sup>281</sup>

This apology was repeated by Ms Anne Hywood, the General Secretary of the General Synod of the Anglican Church of Australia, at the *Institutional review of Anglican Church institutions* public hearing in March 2017. Ms Hywood told us that 'The commitments in this apology from 2004 still drive our work to deliver a child safe culture and a response to survivors that meets community expectations'.<sup>282</sup>

## Recommendations for a national approach

At this 13<sup>th</sup> Session of the General Synod, the Child Protection Committee delivered a report, *Making our church safe: A programme for action* (Making our church safe).<sup>283</sup> The Child Protection Committee made 26 recommendations for a comprehensive child protection scheme for the Anglican Church.

The Child Protection Committee report and the resolutions passed at the 13<sup>th</sup> Session of the General Synod were significant milestones in the development of child safety policies and procedures within the Anglican Church of Australia. The Child Protection Committee report said that they came at a 'time of great shame in the life of the Church' and as a result of 'justifiable criticism of the inadequacy of the Church's procedures for preventing abuse, and handling abuse allegations'.<sup>284</sup>

The Child Protection Committee report proposed a national, uniform approach to responding to child sexual abuse:

The Church's approach to child protection and the prevention of sexual misconduct must be *comprehensive* because no single strategy will be effective and *uniform* because it is only through a common approach that the culture of the Church will be changed. The public perceives the Church to be a single organisation and does not understand its structure of dioceses, parishes and church organisations. Abuse by clergy and church workers in one diocese or even one parish or church organisation damages the whole Church.<sup>285</sup>

The 26 recommendations of *Making our church safe* were grouped into four motions<sup>286</sup>, which were resolved by the General Synod:<sup>287</sup>

- The first motion related to the adoption of the 'Safe Ministry Check' for screening clergy and church workers, and a code of conduct called *Faithfulness in service*.
- The second motion recommended the establishment of the Professional Standards Commission.
- The third motion recommended that each diocese adopt a process of screening people for ordination which included, in addition to the Safe Ministry Check, a Working With Children Check or national police check, a medical report and some form of psycho-sexual assessment. It also recommended that church workers who have contact with children in their ministry, or supervision of those people, be screened via the Safe Ministry Check and a Working With Children Check or national police check. It was recommended that dioceses develop mechanisms of support for people affected by clergy and church worker abuse, as well as a system of support and supervision of known abusers. It also proposed the development of a national register for the purposes of screening people for ministry.
- The fourth motion related to recommendations for reform through the National Churches of Australia, state governments, the Australian Government and the international Anglican Communion. These recommendations included that the Australian Government and various state and territory governments establish children's commissions to promote child protection and that there be a national summit on child protection as a first step to developing a national strategy for the prevention of child abuse and neglect.

The General Synod also resolved to urge diocesan synods to pass the Model Professional Standards Ordinance if they had not already done so.<sup>288</sup> The Model Professional Standards Ordinance is model diocesan legislation which, if enacted in a diocese, would establish a complaints handling process for complaints against clergy and church workers.



The Model Professional Standards Ordinance sets out that each diocese should have a code of conduct, as well as a protocol for receiving and handling complaints.<sup>289</sup> It also describes the roles of the professional standards committee, the professional standards board, and the professional standards director.<sup>290</sup> When we refer to the professional standards framework in the context of a diocese's response to child sexual abuse, we are referring to the diocese's complaint handling process that has similar features to those set out in the Model Professional Standards Ordinance.

A number of canons relating to the Anglican Church's professional standards framework were passed by the General Synod, including the:

- *Strategic Issues, Commissions, Task Forces and Networks Canon (Amendment) Canon 2004 (Canon No 6, 2004)*
- *Special Tribunal Canon 2004 (Canon No 7, 2004)*
- *Holy Orders, Relinquishment and Deposition Canon 2004 (Canon No 10, 2004)*
- *National Register Canon 2004 (Canon No 12, 2004).*

We discuss the key initiatives and canons in further detail below.

## The Professional Standards Commission

Following the recommendation made in 2004, the General Synod established the national Professional Standards Commission in 2005, chaired by Mr Blake SC.<sup>291</sup> The Professional Standards Commission is a policymaking body that makes recommendations in relation to professional standards, safe ministry practices and training, and support for ordained and authorised lay ministry. It reports to the primate, the Standing Committee of the General Synod and/or the General Synod.<sup>292</sup>

At the 14<sup>th</sup> Session of the General Synod in 2007, the Professional Standards Commission presented a report called *Making our church safe: A progress report and recommendations for action*.<sup>293</sup> This report expressed concern that professional standards policies were absent from most dioceses' websites, and that some clergy and church workers did not understand the pastoral needs of those affected by abuse.<sup>294</sup>

## The Royal Commission Working Group

After the Royal Commission was announced in November 2012, the Standing Committee of the General Synod, recognising the importance of a national response on behalf of the Anglican Church, established the Royal Commission Working Group to:<sup>295</sup>

- respond to the work of the Royal Commission
- review past complaints of child sexual abuse notified to dioceses and associated Anglican schools and agencies, and ensure that all appropriate steps have been taken in dealing with those complaints, including reporting them to the police where appropriate
- identify national best practice policies and procedures to respond to and prevent child sexual abuse and facilitate their implementation by dioceses and associated Anglican schools and agencies, including arranging for the preparation of all necessary legislation for the next General Synod
- contribute to the development of a more national framework for child protection.

Archbishop Aspinall, in his presidential address as primate to the 16<sup>th</sup> Session of the General Synod in 2014, noted that ‘Implicit in these tasks is a conviction that what is required is a coherent, united, consistent national approach that will ensure best practice across the dioceses, schools and agencies’.<sup>296</sup>

He went on to state that, as at July 2014, the aspirations for a review of complaints and policies and procedures by the Royal Commission Working Group:

have proved elusive, for three reasons. First, the complexity and scale of the tasks are greater than was originally anticipated. Secondly, to undertake that work comprehensively requires substantial resourcing. Work of this magnitude cannot simply be tacked on to the existing responsibilities of the General Secretary or be undertaken by the handful of already busy volunteers that comprise the Working Group and the Professional Standards Commission. Thirdly, the Working Group could not **require** dioceses, schools and agencies to provide information or to take any of the other actions envisaged in the resolution. As a result responses have been patchy and the work remains incomplete [emphasis in original].<sup>297</sup>

### 12.3.4 Developments between 2014 and 2017

In 2014, at the 16<sup>th</sup> Session of the General Synod, Archbishop Aspinall commented on child protection and national church issues in the context of the Royal Commission's work:

The Royal Commission appears to be concerned that the Church's organisation and structure may work unfairly and inconsistently for victims of child sexual abuse. For example:

- Measures for preventing child sexual abuse vary from diocese to diocese as do rules and processes for dealing with reports of abuse
- Rules and mechanisms for determining financial payments and other supports for victims vary from diocese to diocese, raising important questions of fairness
- Some dioceses have greater capacity to pay than others but there is no mechanism to achieve parity of treatment of victims and no national fund exists to support dioceses unable to satisfy their obligations to victims
- There is no way to check whether dioceses are acting in accordance with their own policies and procedures nor whether they have responded appropriately to the various recommendations of the General Synod, Standing Committee and Professional Standards Commission over the last decade ...

The Commission is clearly considering whether or not there should be a consistent, uniform national response to these issues and, if so, the means to achieve it.<sup>298</sup>

Archbishop Aspinall suggested that the issue was of such significance that it was once again forcing the Anglican Church to ask itself whether its constitutional and organisational arrangements were serving it well and enabling it in 'the best possible way to minister to Australia in the 21<sup>st</sup> century'.<sup>299</sup>

Archbishop Aspinall recognised that some of the issues with the Anglican Church's response to child sexual abuse reflected broader and longer-term issues in the church. He said:

... it is clear that:

- some dioceses lack sufficient expertise, resources and/or attention to do what is required in crucial areas including sexual abuse and discipline of clergy and church workers; governance, financial management and risk management;
- some dioceses facing particular challenges in such areas have, sometimes initially and sometimes in an ongoing way, resisted or rejected recommendations, advice, support and assistance from outside, including by General Synod bodies and officers;

- there is a lack of authority (and capacity and resources) in any other church body, including the General Synod and its bodies and officers, to ensure that what is required is actually being done.<sup>300</sup>

The 16<sup>th</sup> Session of the General Synod passed several resolutions relating to professional standards. Significantly, the General Synod, noting the resolution of the Bishops' Conference in early 2014, recommended that each diocese implement a 'Professional Standards Audit'.<sup>301</sup> The scheme envisaged an independent auditor visiting dioceses to conduct an audit of the diocese's professional standards performance against its own policies and procedures, and to make recommendations for improvement.<sup>302</sup>

The General Synod asked the Professional Standards Commission to prepare a report 'identifying barriers to change in the areas of safe ministry and professional standards in the Church and strategies to address them'.<sup>303</sup>

The General Synod also proposed the adoption by dioceses of the Model Episcopal Standards Ordinance 2014 and asked dioceses to inform the Standing Committee of the General Synod if they intended to depart in substance from that ordinance.<sup>304</sup>

The 16<sup>th</sup> Session of the General Synod demonstrated a growing awareness at the national levels of the Anglican Church that one of the barriers to a uniform and comprehensive response to child sexual abuse was the inability of the national Anglican Church to ensure that dioceses were meeting minimum standards. The General Synod recognised the need for auditing and compliance checks of dioceses but proposed that these be done on a voluntary basis. In our view, it is unlikely that a 'voluntary' audit will overcome the types of structural and cultural barriers to uniformity that exist in the Anglican Church.

Archbishop Aspinall told us during the *Institutional review of Anglican Church institutions* public hearing that:

I still think the Anglican Church of Australia – I really hate to say it, but I think we might need an external push over the line, yes [a Royal Commission recommendation], or some kind of requirement that certain standards be observed. Because, if you look at our experience, our national Professional Standards Commission I think has done magnificent work with very limited resources over more than a decade. It has done international research and produced best practice models which have been proposed to the dioceses for acceptance. And the result of that is a great deal of diversity across the dioceses. So we need – it seems, I hate to say it, but it seems that at a practical level, we are incapable of putting it in place ourselves.<sup>305</sup>

Mr Blake SC told us during the public hearing that, 'I think, from my perspective, I would regard that as a continuing moral failure, if our church requires an external push, either by this Commission or by legislation, to do the right thing'.<sup>306</sup>

He continued, ‘if this requires the Royal Commission or government to tell us to do the right thing, that would only demonstrate that we have really not learnt and we don’t have the courage of the convictions which we bring as a Christian body’.<sup>307</sup>

We make recommendations in relation to child safety in the Anglican Church in Section 12.6, ‘Contributing factors in the Anglican Church’.

### 12.3.5 Key national policies and initiatives

#### Faithfulness in service: a code of conduct

In 2001, the Child Protection Committee considered whether a code of conduct ought to be established to set minimum standards of behaviour for clergy.

Mr Blake SC, formerly the Chair of the Child Protection Committee, gave evidence in the *Institutional review of Anglican Church institutions* public hearing about how the code came about and why it is not limited to child sexual abuse:

Its terms of reference were to look specifically at child protection. We realised that a very important aspect of that was a code of conduct. We soon realised, as we spoke to people in the community and in the church, that abuse of women, adult women, was just as significant a problem within the church as the abuse of children and it seemed artificial to develop a code of conduct limited to children and children’s ministry when staring us in the face there was an equally significant issue regarding how adults, vulnerable adults were treated, and so we went to the standing committee, which had responsibility for our work, and asked them what we should do, and the advice we got was to develop a broader code of conduct that would embrace other matters than simply children.<sup>308</sup>

In 2004 the General Synod adopted a national code of conduct drafted by the Child Protection Committee called *Faithfulness in Service: a national code for personal behaviour and the practice of pastoral ministry by clergy and church workers* (Faithfulness in service).<sup>309</sup>

The code sets out standards of behaviour expected of clergy and church workers in both their personal lives and family relationships, as well as in ministry, including areas such as pastoral relationships, children, personal behaviour, sexual conduct and financial integrity.<sup>310</sup>

The most recent update of *Faithfulness in service* included a definition of ‘grooming’<sup>311</sup> and provided information about the offence of grooming.<sup>312</sup>

In 2014, the General Synod did not have information about whether dioceses had adopted *Faithfulness in service* as their code of conduct, made amendments to it, or adopted a code other than *Faithfulness in service*.<sup>313</sup> Ahead of the *Institutional review of Anglican Church institutions* public hearing in March 2017, we heard that between 2004 and 2008 the majority of dioceses had adopted *Faithfulness in service* as the code of conduct for clergy and church workers, with some dioceses making amendments to the code.<sup>314</sup>

The only diocese not to adopt the code was the Diocese of Canberra and Goulburn, which had an existing code called the *Diocesan code of good practice*. In his statement to the Royal Commission, Bishop Stuart Robinson of the Diocese of Canberra and Goulburn stated that the *Diocesan code of good practice* had been compared with *Faithfulness in service* and revised to align with it.<sup>315</sup>

During the *Institutional review of Anglican Church institutions* public hearing, Archbishop Glenn Davies, Archbishop of Sydney told us that some dioceses have not adopted all aspects of *Faithfulness in service*. He gave evidence about his opinion of the impact of this:

The Bible is paramount for us in understanding how we're to live, how we protect children in particular. Therefore, that commonality of what we believe is across our national church. That we haven't been able to enact it into adopting that same Faithfulness in Service code of conduct is extremely disappointing.<sup>316</sup>

Archbishop Philip Freier, the Archbishop of Melbourne and Primate of the Anglican Church of Australia, told us that 'irrespective of some of those inconsistencies' in the adoption of *Faithfulness in service* by some dioceses, he thought that they 'still have a very strong commitment to child protection and to the proper response to any allegations of child abuse'. Archbishop Freier said that 'as I look at the church and experience it, irrespective of some of those inconsistencies, I see a real determination that any allegation of child sexual abuse will be taken with the utmost seriousness'.<sup>317</sup>

In September 2017, at its 17<sup>th</sup> Session, the General Synod passed the *Safe Ministry to Children Canon 2017*. One of the objects of this canon is to prescribe a code of conduct for safe ministry to children.<sup>318</sup> The canon prescribes sections of *Faithfulness in service* that relate to ministry to children as being the code of conduct for clergy and church workers in all dioceses. It also allows for public auditing of each diocese to identify any inconsistencies in equivalent or additional codes of conduct operating in a diocese.<sup>319</sup>

Because it affects the order and good government of the Anglican Church in a diocese, the *Safe Ministry to Children Canon 2017* will not come into force in a diocese unless and until the diocese adopts it.<sup>320</sup>

Our recommendations regarding codes of conduct in religious institutions are outlined in Chapter 21, 'Improving responding and reporting by religious institutions'.

## Professional standards

In 2004 the introduction of the Model Professional Standards Ordinance largely supplanted the existing tribunal system for disciplining clergy.

The professional standards framework envisaged by the Model Professional Standards Ordinance includes the establishment in dioceses of a permanent professional standards committee, professional standards board, and a professional standards director.<sup>321</sup> The framework allows for the professional standards board to make recommendations to the diocesan bishop about the fitness of clergy or church workers to hold a particular office. Under Anglican canon law, the diocesan bishop is the only person who has the power to depose a member of clergy from holy orders.<sup>322</sup>

The Model Professional Standards Ordinance also sets out that each diocese should have a code of conduct, as well as a protocol for receiving and handling complaints.<sup>323</sup> As mentioned above, when we refer to the professional standards framework we are referring to a diocese's complaint handling process that has similar features to those set out in the Model Professional Standards Ordinance.

The introduction of the professional standards framework saw the Anglican Church move away from a 'disciplinary' regime under the tribunal system to a fitness for office model. The Working Group noted:

The primary concern of the Church and of the community is not punishment for examinable conduct but whether and to what extent the conduct either qualifies the person's fitness to hold office or excludes the person from holding office for the protection of the public.<sup>324</sup>

The professional standards framework has been the subject of two legal challenges, one in South Australia and one in New South Wales, by deposed clergy who argued that their deposition was unconstitutional.<sup>325</sup> In both cases the plaintiffs argued that the constitution of the Anglican Church required diocesan tribunals, and that other types of disciplinary bodies were excluded. The courts rejected this argument in both cases.

We consider in Section 12.5 some of the ways in which the professional standards framework has been implemented.



## Differences in the adoption of the professional standards framework

We heard that the adoption of the professional standards framework by dioceses has not been uniform. There are differences in the way the framework operates in each diocese, including:

- definitional differences
- adaptation of the ordinance to reflect local concerns
- adaptation or abandonment of the ordinance to ensure compliance with other state laws and norms.

Under the Model Professional Standards Ordinance, child abuse includes emotional abuse, neglect, physical abuse, sexual abuse and spiritual abuse.<sup>326</sup>

Bishop Dr Chris Jones, the then Administrator of the Diocese of Tasmania, told us that one of the ways in which the Diocese of Tasmania's professional standards ordinance<sup>327</sup> differs from the Model Professional Standards Ordinance is that the Tasmanian ordinance applies only to sexual misconduct.<sup>328</sup>

The Diocese of Brisbane has limited the application of its own professional standards ordinance to adult or child sexual assault. It does not apply to neglect, spiritual abuse, or other sexual misconduct with an adult. The movement away from a broader definition of abuse resulted from the professional standards process being used for matters such as bringing action against someone who suspended a child from school.<sup>329</sup>

In the Diocese of Adelaide's *Professional Standards Ordinance 2015* there needs to be a 'complaint' rather than 'information' in order to initiate an investigation by the professional standards committee and a hearing by the professional standards board. This movement away from an 'information' based system to a 'complaints' based system was designed to bring the Diocese of Adelaide in line with the Victorian dioceses' approach, as well as the episcopal standards approach for dealing with complaints against bishops. Bishop Jeffrey Driver, former Archbishop of Adelaide, noted that it also reflected the reality that most processes were initiated by complaints.<sup>330</sup>

Following a recent review of its *Professional Standards Statute 2003* the Diocese of Perth has implemented similar changes in the adoption of its *Professional Standards Statute 2015*.<sup>331</sup>

In addition to dioceses having definitional differences, there are dioceses that have made, or would be prepared to make, changes to reflect the local situation in the diocese. The Bishop of North West Australia, Bishop Gary Nelson, noted that policy changes would reflect the issues relevant to being a regional diocese.<sup>332</sup>

In the *Anglican Diocese of Newcastle* public hearing, Bishop Gregory Thompson, the then Bishop of Newcastle, provided us with a document setting out the ways that the relevant ordinance in the Diocese of Newcastle differs from the Model Professional Standards Ordinance.<sup>333</sup> It is clear that the local situation in Newcastle, as well as the matters that have been heard under their professional standards ordinance have resulted in reviews of the process and subsequent changes. We discuss this further in Section 12.5.

Likewise, Bishop Robinson of the Diocese of Canberra and Goulburn told us in a statement that the Model Professional Standards Ordinance suggested by the General Synod ‘was just that, a model’ and that ‘this “model” approach was deliberately adopted rather than the legislative approach of a General Synod Canon that may have needed to be subject to a process of adoption by each individual diocese’.<sup>334</sup> He stated that the practice of his diocese has been to adopt the General Synod models unless a higher standard was required. This includes differences in state legislation in respect of working with vulnerable people and work, health and safety.<sup>335</sup>

At the time it was introduced, Victorian dioceses decided not to adopt the professional standards framework due to concerns about how it fits in with the Victorian legislative regime.<sup>336</sup> Bishop Andrew Curnow AM, the Bishop of Bendigo, told us that his diocese did not adopt the national model ‘due to a concern that it was overly legalistic and complicated’.<sup>337</sup> However, the Diocese of Melbourne did adopt a professional standards framework in 2009.<sup>338</sup> Some of the differences between it and the professional standards framework include that it is complaint based, rather than information based, and there are clearance for ministry provisions.<sup>339</sup> Bishop Curnow told us that the Victorian dioceses have pursued a provincial framework that ‘will see a high level of consistent practice across the five dioceses pertaining to professional standards and the protection of children’.<sup>340</sup>

The Diocese of Sydney has not adopted the professional standards framework as set out in the Model Professional Standards Ordinance. Instead it has in place the *Discipline Ordinance 2006*, which follows an ‘offence and disciplinary based complaints’ and tribunal model rather than the ‘fitness for office’ model conceived by the professional standards framework. Archbishop Glenn Davies told us that a report to the Synod of the Diocese of Sydney in support of the adoption of the *Discipline Ordinance 2006* noted that the Model Professional Standards Ordinance ‘had the potential to lead to a large number of minor allegations’.<sup>341</sup> One difference between the *Discipline Ordinance 2006* and the professional standards framework is that it examines questions of discipline rather than fitness to hold an office. For instance, on the recommendation of the diocese’s professional standards committee, a charge is promoted to a diocesan tribunal for clergy, or a disciplinary tribunal for lay people.<sup>342</sup>

Mr Blake SC explained that the ‘disciplinary tribunal’ for lay people is an abbreviated process:

If you’re a volunteer, the same protections of the process are not afforded to you as if you were, in contrast, a member of the clergy or an employed church worker. It is an abbreviated process where there’s just a single adjudicator and it goes through much more quickly. That has been driven, at least in part, by cost and resource issues. It is very expensive to put together a three-person tribunal with lawyers present on both sides for a volunteer.<sup>343</sup>

Following the *Institutional review of Anglican Church institutions* hearing in March 2017, the Standing Committee of the Diocese of Sydney put forward a bill for the *Ministry Standards Ordinance 2017*,<sup>344</sup> which will be considered by the diocesan synod in October 2017. The primary objects of the bill are to:

- provide a mechanism whereby complaints that church workers are not fit to hold office or ministry can be resolved<sup>345</sup>
- establish a professional standards board for those complaints, rather than the Diocesan Tribunal or Disciplinary Tribunal.<sup>346</sup>

An explanatory memorandum by the Standing Committee of the Diocese of Sydney accompanying the bill noted that there were several reasons why the *Discipline Ordinance 2006* needed to change, including that:

The 2006 Ordinance is disciplinary in nature. It involves charging church workers with offences and imposing disciplinary measures or sanctions for wrongdoing. Most professions have moved away from upholding standards through disciplinary processes and have adopted administrative processes that examine a person’s fitness to practise the profession [emphasis in original].<sup>347</sup>

If the Diocese of Sydney adopts the *Ministry Standards Ordinance 2017*, then all Anglican dioceses would operate a ‘fitness for office’ complaints mechanism similar to that first set out in the Model Professional Standards Ordinance in 2004.

### **Recent developments in professional standards**

Changes to the approach to professional standards in Victoria have occurred in response to recommendations of the report of the Family and Community Development Committee, *Betrayal of trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations*, published in 2013. That report followed the Victorian parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-government Organisations. Other recent reviews of professional standards have been informed by the work of the Royal Commission.

One of the recommendations from the *North Coast Children’s Home* case study was that the Diocese of Grafton regularly review its professional standards processes to ensure the professional standards director and professional standards committee are apprised of all outstanding claims of sexual abuse.<sup>348</sup>

Despite this recommendation the Diocese of Grafton has not amended its *Professional Standards Ordinance 2004*. Bishop Dr Sarah Macneil, Bishop of Grafton, told us in a statement provided for the *Institutional review of Anglican Church institutions* public hearing in March 2017 that the Diocese of Grafton decided not to make any changes to the existing professional standards legislation until pending professional standards matters were finalised, as they did not want to give the impression changes were being made to benefit or disadvantage the respondents.<sup>349</sup>

There is currently a trend towards provincial approaches to professional standards. Four of the five provinces now operate their professional standards frameworks at a provincial level. Bishop John Stead, Bishop of Willochra, explained that:

In South Australia the three dioceses, Adelaide, The Murray and Willochra, have adopted either identical or very similar professional standards frameworks. In November 2015 the three dioceses have entered into a Memorandum of Understanding that will see us return to a situation where we have the same Professional Standards Director (PSD) and will use the same personnel on the Professional Standards Committee (PSC) and Professional Standards Board (PSB) although they will be formed as the PSC and PSB of the relevant diocese ...

With the new level of cooperation across South Australia in relation to professional standards I feel that we may have the best approach that we can hope for. People understand that the states and territories of the Commonwealth of Australia act independently in some areas and would find it easier to deal with the church on a state wide basis than as individual dioceses with a potentially inconsistent approach.<sup>350</sup>

Queensland and Western Australia both operate in a similar way, in that they share professional standards resources. Western Australia is also moving towards the Victorian provincial model.

As at the time of the *Institutional review of Anglican Church institutions* public hearing, we heard that the province of Victoria planned to introduce uniform professional standards across all five of its dioceses, with an independent professional standards company expected to commence operation in 2017.<sup>351</sup> Archbishop Freier told us that the purpose of the independent professional standards company is to:

- provide an independent and transparent complaints regime
- provide independent screening of clergy and lay people.

At the time of the *Institutional review of Anglican Church institutions* public hearing we were told by Bishop John Parkes of the Diocese of Wangaratta that the diocese planned to be a client of this corporation, and that legislation to enable this to occur would be presented at the 2017 diocesan synod.<sup>352</sup>

We discuss issues around any inconsistencies of approach to professional standards in Section 12.6.

We discuss aspects of the professional standards frameworks again in Chapter 21, 'Improving responding and reporting by religious institutions'.

## Episcopal standards

Episcopal standards is an umbrella term which refers to the disciplinary process for bishops in the Anglican Church. The Anglican Church has acknowledged that the episcopal standards process is 'complex'.<sup>353</sup> There is significant variation in the episcopal standards process between Anglican Church dioceses.

A number of canons regulate episcopal standards within the Anglican Church in Australia. As we explain below, the position in each diocese differs as to which regime is in force.

### Episcopal Standards Canon 2007

Following the introduction of the professional standards framework in 2004, a similar 'fitness for office' complaints regime was introduced for complaints against bishops. In the *Institutional review of Anglican Church institutions* public hearing, Mr Blake SC told us that:

The genesis of the Episcopal Standards Canon 2007 was that bishops should not be treated differently from clergy and thus, a canon similar in content to the Model Professional Standards Ordinance was passed and because it was a canon, it needed to be adopted in whole or not at all.<sup>354</sup>

The *Episcopal Standards Canon 2007* was passed at the same time as the *Special Tribunal Canon 2007*, which established the Episcopal Standards Commission.<sup>355</sup>

Under the *Special Tribunal Canon 2007* the Episcopal Standards Commission is responsible for the investigation of complaints against bishops who are subject to the jurisdiction of the Special Tribunal. It may receive and investigate complaints and promote charges against a bishop before the Special Tribunal, unless the bishop concerned has relinquished, or has been deposed from, holy orders.<sup>356</sup>

The *Episcopal Standards Canon 2007* confers additional powers on the Episcopal Standards Commission. The Episcopal Standards Commission is required to investigate information where it considers that the subject matter of the information constitutes 'examinable conduct'. Examinable conduct is defined as 'any conduct or omission wherever or whenever occurring the subject of information which, if established, might call into question the fitness of a Bishop to hold office or to be or remain in Holy Orders but excludes any breach of faith, ritual or ceremonial'.<sup>357</sup> The Episcopal Standards Commission is to refer complaints to the Episcopal Standards Board, which subsequently makes determinations about the bishop's fitness to hold office.<sup>358</sup>

The *Episcopal Standards Canon 2007* was adopted by some, but not all, dioceses. Mr Blake SC told us that:

There was some objection in some dioceses as to the width of the jurisdiction, a very broad definition of ‘misconduct’, that raised the spectre of a bishop carrying out his functions being subjected to scrutiny under this canon, what might be called ecclesiastical functions rather than things relating to conduct involving children, and that led to, at least in some parts of the church, a reticence to adopt it.<sup>359</sup>

### **Model Episcopal Standards Ordinance**

As a response to criticisms of the *Episcopal Standards Canon 2007* being too broad in scope, an Episcopal Standards Task Force was formed. In 2014, the task force promoted a Model Episcopal Standards Ordinance<sup>360</sup> to dioceses (together with the accompanying protocol *Power and trust in the church*<sup>361</sup> and *Model episcopal standards regulations*<sup>362</sup>), with the intention that dioceses would put their own (consistent) legislation in place. Once all dioceses had done so, the *Episcopal Standards Canon 2007* could be repealed. The Model Episcopal Standards Ordinance was approved by resolution of the General Synod in July 2014.

The Model Episcopal Standards Ordinance prescribes a ‘complaints-based’ regime under which the Episcopal Standards Commission is required to receive, act on and investigate complaints against a diocesan bishop.<sup>363</sup> Misconduct must be conduct which, if established, would on its face call into question the fitness of the diocesan bishop to hold office (or remain in holy orders) or to exercise ministry and perform any duty or function of the office; or whether the diocesan bishop should be subject to any condition.<sup>364</sup>

During the *Institutional review of Anglican Church institutions* public hearing we heard that a recent Appellate Tribunal decision ‘casts doubts’ on the validity of diocesan models of episcopal standards. Mr Blake SC told us that:

This was an aspect of the decision which raised a constitutional argument which they didn’t decide, but the Appellate Tribunal ... said it would be far wiser for the church to deal with bishops with an underlying General Synod canon. So that’s something of the history of where we are today and a great diversity which is very frustrating.<sup>365</sup>

### **Adoption of episcopal standards regimes in dioceses**

There is significant variation between dioceses as to the episcopal standards regime in force. At the time of the *Institutional review of Anglican Church institutions* public hearing, diocesan episcopal standards regimes fell into several broad categories:<sup>366</sup>

- five dioceses which have adopted the Model Episcopal Standards Ordinance, and have a complaints-based / fitness for office model (Adelaide, Bendigo, Melbourne, The Murray and Willochra)
- four dioceses which have not adopted the Model Episcopal Standards Ordinance, but which have a similar complaints-based / fitness for office model (Ballarat, Wangaratta, Perth and North West Australia)
- 11 dioceses which operate under the information and examinable conduct regime in the *Episcopal Standards Canon 2007* (Armidale, Bathurst, Brisbane, Bunbury, Grafton, Newcastle, North Queensland, Northern Territory, Riverina, Rockhampton and Tasmania)
- several dioceses which do not fall into the above categories: the Diocese of Canberra and Goulburn is ‘in between’ repealing the old and introducing new legislation; Sydney and Gippsland have not had an episcopal standards ordinance, but have legislation presently under consideration.

Where a diocese has not adopted the *Episcopal Standards Canon 2007* or the Model Episcopal Standards Ordinance or put its own legislation in place, the bishop of that diocese is only subject to the *Special Tribunal Canon 2007*. The *Special Tribunal Canon 2007* does not fully address the complaints receipt and investigation process that is provided in the episcopal standards legislation. In particular, it does not allow for a ‘fitness of office’ regime to be applied to bishops in the same manner as with clergy and church workers.

Mr Blake SC told us during the hearing that a draft canon was being considered to resolve these inconsistencies. He told us, ‘The matter was also discussed at the recent bishops’ meeting and, as I understand it, there was agreement reached that in respect of defined areas of misconduct, we should enact a canon with the expectation that every diocese would adopt it’.<sup>367</sup>

We understand that as of September 2017, the General Synod has adopted the *Episcopal Standards (Child Protection) Canon 2017* which proposes a uniform complaint handling process for bishops, including retired bishops.<sup>368</sup> This canon allows for the Episcopal Standards Commission to investigate complaints against a diocesan bishop, or former diocesan bishop involving:

- child abuse
- conduct that impedes or undermines a professional standards process
- a failure without reasonable excuse to perform a function under a professional standards process
- a failure to comply with the laws of the Commonwealth, a State or Territory requiring the reporting of child abuse to the police or other authority.<sup>369</sup>



Like the *Safe Ministry to Children Canon 2017*, because the *Episcopal Standards (Child Protection) Canon 2017* affects the order and good government of the Anglican Church in a diocese, it will not come into force in a diocese unless and until the diocese adopts it.<sup>370</sup>

We make recommendations about episcopal standards in Section 12.6. We also discuss the *Episcopal Standards (Child Protection) Canon 2017* again in Part E.

## The Anglican National Register

In 2004 the Anglican Church introduced a national register for recording allegations about bishops, clergy and other church workers (the National Register). The purpose of the National Register is to act as a screening tool for clergy and church workers and to share information between dioceses about complaints of sexual abuse. The General Secretary of the General Synod is responsible for maintaining the National Register. The *National Register Canon 2004* was later amended by a 2007 canon that took effect on 1 June 2009.<sup>371</sup>

Before the National Register was established, the sharing of information between bishops and dioceses about persons of concern occurred on an informal basis. The General Secretary of the General Synod, Ms Anne Hywood, told us:

the way information about abusers had been shared was quite informal and relied very much on bishops and other leaders to alert people to concerns. It was identified that that was not sufficient and that we needed to have one place where information about people of concern could be held and accessible to those who needed that information.<sup>372</sup>

We heard about some examples of these informal information sharing practices in our case studies. In the *Anglican Diocese of Newcastle* public hearing, Bishop Richard Appleby told us that up until 1985, there was a 'caveat list' which was discussed at the annual Bishops' Conference. The caveat list was a list of names of clergy about whom all bishops should be warned as they had convictions or serious charges against them. It was up to each bishop to determine if a name should be added to the list. Bishop Appleby's recollection was that there were generally 25 to 30 names on the list. The list was distributed to all bishops so they could reference it whenever they were approached by clergy seeking a job within their diocese.<sup>373</sup>

Bishop Appleby said that in 1985, the then primate, Archbishop Sir John Grindrod, informed the bishops that on the basis of legal advice, they should abandon the caveat list. Bishop Appleby told us that from 1985 until about 2005, the bishops had no caveat list of clergy and that exposed the church to 'significant risks'. Bishop Appleby could not recall if bishops discussed how to respond to or manage the risk of priests abusing children at their national conference but he accepted that as there was effectively a register of clergy of whom to be wary, they were conscious of the risk.<sup>374</sup>

The former Director of Professional Standards for the Diocese of Sydney, Mr Philip Gerber, told us in the *North Coast Children's Home* public hearing that, historically, bishops would write to each other to share concerns about a member of the clergy. He said that the bishop receiving the information would take appropriate action and store the information in either an informal register or a sealed file.<sup>375</sup>

The former Archbishop of Perth, Archbishop Herft, told us during the same public hearing that bishops would discuss whether a person was 'safe to receive' prior to making an appointment. He also told us that when he was the Bishop of Newcastle between 1993 and 2005, he kept files sealed with wax and marked 'Concern' next to the person's name.<sup>376</sup>

In the *Anglican Diocese of Newcastle* public hearing, Archbishop Herft told us that until about the late 1990s bishops used a 'black book' system to screen potential clergy candidates. He told us that a 'black book' was a book in which a bishop recorded the names of people 'whom bishops found difficult to deal with, who were obstructionist in terms of the way that they engaged with bishops et cetera, and bishops would usually inform another bishop, if they were going to proceed with an appointment, that in fact this person could prove to be quite a difficult customer'.<sup>377</sup>

We also heard evidence in the *Anglican Diocese of Newcastle* public hearing about the use of sealed yellow envelopes as a recordkeeping system for complaints of sexual abuse. We heard that this system was introduced in 2001 in the Diocese of Newcastle. Records of complaints before the Diocese of Newcastle's Committee for Allegations of Sexual Misconduct (CASM) were placed in separate sealed yellow envelopes and stored in a locked cabinet in the diocesan offices. Access to the records was restricted to the chair of CASM, the bishop, the commissary or the bishop's representative. Based on the evidence we heard about the yellow envelopes, we expressed some doubts as to the comprehensiveness of these records.<sup>378</sup>

### **What the National Register does**

Ms Hywood told us that the National Register is 'a screening tool to assist bishops and other diocesan leaders [to] consider all the information necessary when they are considering appointing people to positions within their diocese'.<sup>379</sup> The National Register is intended to contain information on all people in ministry and lay persons:<sup>380</sup>

- against whom a notifiable complaint or a notifiable charge has been made, unless it is exhausted
- who have relinquished or consented to deposition from holy orders as a result of sexual misconduct or child abuse
- who have made an adverse admission or are the subject of an adverse finding
- who are the subject of an adverse Working With Children Check, criminal history check or Safe Ministry Check
- who have not been ordained as a priest or as a bishop, or issued with a licence or appointed to a church authority because of an adverse risk assessment.

At the time of the *North Coast Children's Home* and *Institutional review of Anglican Church institutions* public hearings the process for entering information on the National Register was as follows. The professional standards director of the relevant diocese must notify the General Secretary of any relevant information that should be contained on the National Register within one month of receiving it. The General Secretary must verify the information in writing. Once verified, the General Secretary enters the information on the National Register and the subject of the entry is notified.<sup>381</sup>

The information contained in the National Register is meant to be available to authorised people, such as bishops or professional standards directors of other dioceses, to help them decide whether to license or employ a person. Reports are also sought from the National Register for candidates for primate or general secretary of the General Synod, or membership of the Appellate Tribunal, the Special Tribunal or the Episcopal Standards Board.<sup>382</sup>

As at March 2017, there were 42 authorised users of the National Register. They are a mix of bishops and their delegates, and the professional standards directors. During the *Institutional review of Anglican Church institutions* public hearing we heard that, between March 2016 and March 2017, 5,000 searches were conducted of the National Register.<sup>383</sup>

### **Improvements to the National Register**

In the *North Coast Children's Home* public hearing in 2013, the Professional Standards Director of the Diocese of Grafton, Mr Michael Elliott, told us that there was 'a general lack of confidence in the [National Register] among the directors of professional standards'.<sup>384</sup> Mr Elliott told us that he experienced a number of technical difficulties with the system including:

- the need to enter several lengthy computer-generated passwords<sup>385</sup>
- difficulty interpreting what data is needed<sup>386</sup>
- difficulty searching names, as the exact name is needed and partial names are not accepted.<sup>387</sup>

In a statement tendered in the *Church of England Boys' Society* public hearing, the former Archbishop of Adelaide, Bishop Jeffrey Driver, told us that it was not until 2012 that the National Register became 'genuinely workable' from the perspective of the Diocese of Adelaide.<sup>388</sup> In the *North Coast Children's Home* public hearing, Mr Elliott told us that he was concerned about placing matters on the National Register where there was an ongoing police investigation because, once a matter was entered, the person who was the subject of the entry was notified of the complaint by letter, which may compromise police investigations, and because, in his view, there were issues with keeping information, once entered onto the register, 'highly confidential'.<sup>389</sup>

Mr Elliott also told us that for some matters to be entered into the National Register, it is 'difficult to ascertain whether they do fit the criteria, and often those files – procedural fairness hasn't been afforded or the matters haven't been investigated properly or the file may be compromised or incomplete'.<sup>390</sup>

At the time of the *North Coast Children's Home* hearing, we found that the National Register did not record the names of all people who may need to be registered because various dioceses had been unable to review all of their files.<sup>391</sup> By way of example, during the hearing, we requested all information on the National Register about Allan Kitchingman, Campbell Brown and others. In response to our request, Mr Martin Drevikovsky (who was then the General Secretary of the General Synod) informed us that the National Register contained no information about any of these known or alleged offenders.<sup>392</sup>

Kitchingman was ordained in 1963. In 1968 he was charged with the indecent assault of a 16-year-old boy. He was then transferred to the Parish of Lismore in the Diocese of Grafton, and he was the curate and assistant priest at the North Coast Children's Home from 1969 to 1970.<sup>393</sup> He was convicted in 2002 of five counts of indecent assault against a former resident of the North Coast Children's Home. At the time of these convictions, Kitchingman was living in the Diocese of Newcastle.<sup>394</sup> In 2002, the Bishop of Newcastle, Bishop Roger Herft, became aware of Kitchingman's convictions but he did not take any action to discipline him because he believed the Diocese of Grafton was doing so.<sup>395</sup> From 2003 to 2013, the then Bishop of Grafton, Bishop Keith Slater, was aware that Kitchingman had been convicted of sexual offences against a child and had the authority to discipline him. However, no action was taken by the Diocese of Newcastle until 2013.<sup>396</sup>

In a letter to us dated 14 November 2013, Bishop Dr Peter Stuart, the then Bishop Administrator of the Diocese of Newcastle, informed us that it was 'a matter of deep regret' and only due to the Royal Commission that current office bearers in the Diocese of Newcastle knew of circumstances relating to Kitchingman. He indicated that Kitchingman's name had been placed on the National Register as a result.<sup>397</sup> However, at the time of the *North Coast Children's Home* public hearing, some two weeks later, this had not happened. Mr Drevikovsky told us he thought this may have been because the Diocese of Newcastle had not verified the information.<sup>398</sup>

In March 2017, Ms Hywood addressed some of the issues raised in the *North Coast Children's Home* public hearing about the National Register, stating that since 2013 'there has been a concerted effort to bring [the National Register] up to a more compliant position'.<sup>399</sup> She told us that 'particularly over recent years, [people] have alerted us that there has been a backlog of historical information that they are still working at putting on the register'.<sup>400</sup> Ms Hywood told us:

The national register is audited every year. Because it is the obligation of the Professional Standards Directors to load information into the register, it's not possible, from a central point, to actually be assured that all information that should be in there has been loaded. Part of the audit process is to ask each Professional Standards Director to, in effect, self-declare whether they feel that they have met their obligations, that they have loaded all the information necessary ... [with the resulting audit report being] presented to the Standing Committee and received by the Standing Committee.<sup>401</sup>

Following the *Institutional review of Anglican Church institutions* public hearing the Anglican Church made further amendments to the *National Register Canon 2007* at the 17<sup>th</sup> Session of the General Synod in September 2017. These amendments include:<sup>402</sup>

- shifting the responsibility for entering information on the National Register from the General Secretary to the professional standards directors
- including grooming and failure to report child sexual abuse to the authorities as conduct which can be entered onto the National Register
- providing for the audit of the operation of the National Register to be published on the General Synod website.

We discuss the National Register in more detail in Chapter 23, 'Recordkeeping and information sharing in religious institutions'.

### 12.3.6 International developments in the Anglican Communion

As discussed in Section 12.1, the Anglican Church of Australia is a 'province' of the worldwide Anglican Communion, which is an international association of member churches from over 165 countries. The Anglican Communion has no central authority but operates through four 'instruments of communion'. Archbishop Aspinall, who was then the primate of the Anglican Church of Australia, remarked in 2007:

The international Communion itself is a family of strongly autonomous member churches related together by relatively weak central instruments of communion. The lack of a centre of authority and power in the Anglican Communion very much mirrors the structure of the Anglican Church of Australia.<sup>403</sup>

As described in Section 12.1, the Anglican Consultative Council is a standing committee body which meets every two or three years in between each Lambeth Conference (which is held approximately every 10 years). The Anglican Consultative Council has various networks and commissions which are policy bodies, which report to the Anglican Consultative Council and other instruments of communion. The Anglican Consultative Council 'advises on the organisation and structures of the Communion, and seeks to develop common policies with respect to the world mission of the Church'<sup>404</sup> and is the 'most representative body of gathered Anglicans amongst the Instruments of Communion'.<sup>405</sup>

During the *Institutional review of Anglican Church institutions* public hearing, Mr Blake SC and Professional Standards Commission member and Chancellor of the Diocese of Tasmania, Ms Audrey Mills agreed that the Anglican Church of Australia had taken a leadership role in developing a cooperative approach throughout the worldwide Anglican Communion on child protection matters.<sup>406</sup> Following its 2004 Session, the General Synod of the Anglican Church of Australia recommended that the international Anglican Consultative Council establish a Safe Ministry task force:

[The General Synod] recommends that the Anglican Consultative Council establish a Safe Ministry Task Force to promote the physical, emotional and spiritual welfare and safety of all people within member churches of the Anglican Communion by action that includes:

- i. the preparation of a safe ministry charter for adoption by member churches;
- ii. the sharing of resources between member churches;
- iii. the reciprocal disclosure between member churches of the names of, and other relevant information about, clergy and church workers who are known to have abused children or other vulnerable people;
- iv. the establishment of a network of interested people; and
- v. the preparation of resources for the Anglican Gathering and the Bishops' Conference to be held in Cape Town in 2008;

and that the General Secretary conveys this resolution to the Anglican Consultative Council and the Archbishop of Canterbury.<sup>407</sup>

In June 2005, this recommendation was referred to the Standing Committee of the Anglican Consultative Council at its 13<sup>th</sup> meeting, for evaluation and recommendations on further action. The Anglican Consultative Council resolved that it 'commits itself to the highest standards of care for all young and vulnerable people, seeking to ensure their protection, safety and well-being; and requests similar pledges of commitment from all the provinces and churches of the Communion'.<sup>408</sup>

In 2008, Mr Blake SC promoted and helped organise an international conference for members of the Anglican Communion titled *Creating a Safer Church*, in Woking, England.<sup>409</sup> The conference revealed that there were widespread concerns about child sexual abuse within the various provinces of the Anglican Communion.<sup>410</sup>

At the next meeting of the Anglican Communion in 2009, no formal resolutions were passed about the Anglican Communion's responses to child sexual abuse.<sup>411</sup> However, in May 2009 the Standing Committee of the Anglican Consultative Council recognised the Anglican Communion Safe Church Consultation.<sup>412</sup>

In 2011 there was a second international conference of the Anglican Communion Safe Church Consultation.<sup>413</sup>

In 2012 the 15<sup>th</sup> meeting of the Anglican Consultative Council recognised The Safe Church Consultation as an official network of the Anglican Communion.<sup>414</sup> The Anglican Consultative Council passed a resolution commending the mission of the newly established 'Safe Church Network' (by which The Safe Church Consultation was now known), noting that its mission included identifying resources and best practices to assist churches, dioceses and provinces of the Anglican Communion 'to reduce the risk of abuse, misconduct and the misuse of power by clergy and church employees and volunteers'.<sup>415</sup> The Anglican Consultative Council also adopted the Charter for the Safety of People within the Churches of the Anglican Communion.<sup>416</sup> The Anglican Consultative Council encouraged all member churches to adopt and implement this charter and report at the next meeting of the Anglican Consultative Council on the steps they had taken to adopt and implement the charter.<sup>417</sup>

In the Australian context, the General Synod adopted the charter at its 16<sup>th</sup> Session in 2014. The charter states:



## **Charter for the Safety of People within the Churches of the Anglican Communion**

### *Pastoral support where there is abuse*

1. We will provide pastoral support for the abused, their families, and affected parishes and church organizations by:
  - (a) listening with patience and compassion to their experiences and concerns;
  - (b) offering spiritual assistance and other forms of pastoral care.

### *Effective responses to abuse*

2. We will have and implement policies and procedures to respond properly to allegations of abuse against clergy and other church personnel that include:
  - (a) making known within churches the procedure for making complaints;
  - (b) arranging pastoral care for any person making a complaint of abuse;
  - (c) the impartial determination of allegations of abuse against clergy and other church personnel, and assessment of their suitability for future ministry;
  - (d) providing support for affected parishes and church organizations.

### *Practice of pastoral ministry*

3. We will adopt and promote by education and training standards for the practice of pastoral ministry by clergy and other church personnel.

### *Suitability for ministry*

4. We will have and implement policies and procedures to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church including checking their background.

### *Culture of safety*

5. We will promote a culture of safety in parishes and church organizations by education and training to help clergy, other church personnel and participants prevent the occurrence of abuse.

In 2016, at the 16<sup>th</sup> meeting of the Anglican Consultative Council, the Safe Church Network proposed the development of a protocol for the disclosure of ministry suitability information between the member churches of the Anglican Communion, the establishment of a commission to promote the safety of people in the churches of the Anglican Communion, and a process for monitoring the implementation of the Safe Church Charter.<sup>419</sup>

The endorsement of a protocol for disclosing ministry suitability information recognised that there had been instances where clergy and lay people known or suspected to have abused people have moved from one province to another, without disclosure, and continued to abuse people. The report of the Safe Church Network presented at the meeting stated, 'The current informal system, where it has operated, has not always ensured that accurate and complete information about such clergy and lay persons has been shared between Provinces'.<sup>420</sup>

During the *Institutional review of Anglican Church institutions* public hearing, Mr Blake SC explained to us how the protocol was intended to work:

If someone comes from overseas to Australia, the system would require the licensing bishop here to make inquiries overseas to determine information, including information relating to child sexual abuse, that would be relevant to take into account in any appointment that were to be made here.

It works reciprocally or is intended to work reciprocally. If an Australian goes overseas, which happens regularly enough, the bishop over there, or church authority, would be required to make a request to the licensing authority here as to information relevant to that appointment, including child sexual abuse, and the diocese here, or church authority here, would be bound to supply that information and there's an undertaking within the protocol not to appoint someone unless that information is taken into account.<sup>421</sup>

The Anglican Consultative Council has passed a resolution requesting that each province of the Anglican Communion implement the protocol for the disclosure of ministry suitability information.<sup>422</sup>

In September 2017, the General Synod adopted the *Disclosure of Information Canon 2017*.<sup>423</sup>

The purpose of the *Disclosure of Information Canon 2017* is to implement the protocol for the disclosure of information relating to ministry suitability. The canon sets out the responsibilities of diocesan authorities to notify the General Secretary when they receive a request for information from another province of the Anglican Communion, and for the General Secretary to do the same. The canon is focused on authorising the provision of information from Anglican dioceses to other provinces in the Anglican Communion and other denominations.<sup>424</sup> In the case of the General Secretary this would require checking the National Register. The diocesan authority (for example the diocesan bishop) would be required to provide any other information relating to the person's suitability for ministry.<sup>425</sup>

The reciprocal responsibility for Anglican dioceses to screen people for ministry suitability who are from another province is contained within the screening standards in the *Safe Ministry to Children Canon 2017*.<sup>426</sup>

The Anglican Consultative Council has also resolved in favour of the establishment of a Safe Church Commission with the following terms of reference:<sup>427</sup>

- to identify existing policies and procedures for the safety of people in the Provinces of the Anglican Communion
- to develop guidelines to enhance the safety of all people especially children, young people and vulnerable adults, within the Anglican Communion, to be considered at the next meeting of the Anglican Consultative Council and for implementation by each Province
- to develop resources for implementing these guidelines.

While the steps that have been taken at an international level are a positive initiative, the dispersed and loose nature of the Anglican Communion means that problems in implementation and uniformity that have occurred at a national level in the Anglican Church of Australia may be replicated at an international level.

## 12.4 Early Anglican Church responses to child sexual abuse

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We have witnessed first-hand the suffering of those who have shared their stories. We have seen in their faces and heard in their voices not only the pain of the abuse they suffered as a child, but the further damage that we inflicted when they came forwards as adults, seeking justice and comfort, and we pushed them aside.<sup>428</sup>

**Anne Hywood, General Secretary of the General Synod of the Anglican Church**

In this section, we set out what we heard in our case studies about the early responses of Anglican Church institutions to complaints or allegations of child sexual abuse – that is, how Anglican Church institutions responded to complaints or allegations before the professional standards framework was introduced in 2004.

We heard evidence in our case studies about the manner in which Anglican Church institutions and personnel responded in the past to:

- survivors and their family members or supporters when they made allegations or complaints about child sexual abuse to Anglican Church personnel
- lay people or clergy who were alleged to have committed child sexual abuse.

These case studies included:

- *Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys' Society)*
- *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)*
- *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)*
- *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions).*

In this section, we set out what we heard in our case studies about the early responses of Anglican Church institutions to survivors and others who made allegations of child sexual abuse or inappropriate conduct by church workers or lay people. We heard that, in some instances, complaints or allegations about child sexual abuse were dismissed or minimised, and not reported to civil authorities. We also heard about the impacts that these responses, including pastoral responses, had on survivors of child sexual abuse.

Many of these responses occurred in the context of a poor understanding by leaders and senior Anglican Church personnel about the impact of child sexual abuse on survivors. Mr Garth Blake SC, Chair of the Professional Standards Commission and Chair of the Royal Commission Working Group, told us in the *Institutional review of Anglican Church institutions* public hearing that this poor understanding was one of the contributing factors to poor responses to child sexual abuse:

I think another factor was ignorance, wholesale ignorance, of the effects of child sexual abuse. People just did not understand the serious, long-term consequences, and I think, again, that fed into very inadequate responses on behalf of the church.<sup>429</sup>

Bishop Ian George, former Archbishop of Adelaide, told us that awareness of paedophilia was an emerging issue for the community during the 1990s.<sup>430</sup> Bishop Dr Peter Jensen, former Archbishop of Sydney, told us that the issue of sexual abuse was first considered by the Diocese of Sydney in 1987, and again in response to the Wood Royal Commission into the New South Wales Police Force.<sup>431</sup>

Archbishop Roger Herft, the former Bishop of Newcastle giving evidence in the *Anglican Diocese of Newcastle* public hearing, told us about his understanding of the impact of child sexual abuse during his tenure as Bishop of Newcastle, from 1993 to 2005:

I knew it was serious, but the overwhelming trauma and effect that it has on both the survivors and those near and dear to them is something that I have discovered in the last several years.<sup>432</sup>

Bishop Gregory Thompson, the then Bishop of Newcastle, told us in the *Institutional review of Anglican Church institutions* public hearing that, in his view, there was a generation that 'has been totally ignorant of the trauma of child abuse'.<sup>433</sup> Bishop Geoffrey Smith, now the Archbishop of Adelaide, told us that some dioceses are further along the journey than others, and that as he has heard the stories of survivors and their families he has 'come to a much greater and clearer realisation of the awful effect of child abuse'.<sup>434</sup>

As we discussed in Section 12.3, 'The development of national model procedures in the Anglican Church', we heard that in some dioceses there were no formal policies or procedures for managing complaints of child sexual abuse specifically, or for responding to the pastoral needs of survivors, before the late 1990s. In both *the Church of England Boys' Society* and the *Anglican Diocese of Newcastle* public hearings we heard that, during the 1990s and the early 2000s, a number of Anglican dioceses had begun to develop their own protocols for responding to allegations of child sexual abuse and to the needs of survivors.<sup>435</sup>

We then consider the responses, or in many cases the lack of response, of Anglican Church institutions to allegations against clergy, church workers or lay people, based on the evidence and findings in the case studies referred to above. We discuss what we heard in our case studies about how allegations were not referred to the police or other civil authorities, how alleged perpetrators were permitted to remain in ministry or lay involvement (and in some cases were promoted within the Anglican Church), and how clergy in some dioceses were or were not disciplined under the diocesan tribunal system.

In both the *Church of England Boys' Society* and the *Anglican Diocese of Newcastle* public hearings, we heard that some dioceses introduced redress schemes for survivors of child sexual abuse from 2003. However, in our case studies we did not hear any evidence about survivors' experiences of redress schemes before 2004.

Our discussion in this section draws on the evidence we heard in our case studies and on the reports we published after those case studies. Where our discussion first mentions complaints about an alleged or convicted perpetrator, a short summary of the institutional responses to those complaints is provided for context.

## 12.4.1 Dismissing, disbelieving or minimising allegations of child sexual abuse

I was also enraged by the way in which my church and leaders of my church mishandled and, in a sense, further traumatised the survivors of abuse in the way in which they were not believed and the way in which no proper action was taken.<sup>436</sup>

**Archbishop Glenn Davies, Archbishop of Sydney**

We heard in our case studies that, before 2004, those people in Anglican Church institutions who responded to allegations of child sexual abuse sometimes dismissed, did not believe or minimised these allegations. They also sometimes attempted to silence survivors and other people who reported allegations of abuse by request or, in some instances, by threatening legal action.

Mr Lachlan Bryant, the Director of Professional Standards in the Diocese of Sydney, told us that through the *Church of England Boys' Society* case study it had become apparent that, by dismissing disclosures of child sexual abuse, the leadership in the Anglican Church had failed.<sup>437</sup> He said:

They failed in their response to listen to the complainants, the survivors that were coming forward when they were children and subsequently; failed to listen to whistleblowers like Mr Richard Kells, I think his name is, who came forward to report his concerns; and so it's only years later, when this is coming out and [Simon Jacobs is] finally prosecuted, that a more appropriate response has been given.<sup>438</sup>

Archbishop Philip Freier, Archbishop of Melbourne and Primate of the Anglican Church of Australia, told us that thinking that children were unreliable and dismissing children's views was a 'profoundly embedded cultural practice' among members of his parents' generation who had an 'almost unquestioning faith' in authority figures.<sup>439</sup> In Archbishop Freier's view, this contributed to poor institutional responses by the Anglican Church to allegations of child sexual abuse.<sup>440</sup>

Some survivors told us that they were negatively affected when they felt that their disclosures to Anglican Church personnel about alleged child sexual abuse by priests were dismissed, disbelieved or minimised. We received evidence about this type of response to survivors and others who reported allegations relating to the following alleged perpetrators:

- *Anglican Diocese of Newcastle*: Father Peter Rushton, Father George Parker, Graeme Lawrence and Canon Harold Marshall
- *Church of England Boys' Society*: Simon Jacobs, Louis Daniels and Robert Brandenburg.

While he was never convicted, before our case study in August 2016 the Diocese of Newcastle had acknowledged receiving numerous allegations that Father Rushton had sexually abused children in the diocese.<sup>441</sup> The Diocese of Newcastle was made aware of complaints of child sexual abuse by Father Rushton on many occasions, over many decades; however he was permitted to continue in ministry.<sup>442</sup>

Father Rushton attended St John's Theological College, Morpeth (Morpeth College) in the Diocese of Newcastle from 1961 to 1963. He was ordained in 1964. He then served as an assistant priest or rector in various parishes in the diocese. From 1973 to 1983, he was the rector of St Luke's in the Parish of Wallsend. During 1963 to 1967, while he was assistant priest at Cessnock, Father Rushton was involved in St Alban's Home for Boys as its chaplain. From 1983 to 1998, Father Rushton was the Archdeacon of Maitland. This was one of the most senior positions in the diocese. At the end of 1998, he moved to the Hamilton parish as team rector. Various witnesses described Father Rushton as a dynamic preacher who was popular among his parishioners. Father Rushton retired in 2001 but remained licensed as a priest until his death in 2007 at age 67.<sup>443</sup>

We heard that in the late 1970s, the then Bishop of Newcastle, Bishop Alfred Holland, received an allegation from the parents of a boy, COE, that Father Rushton had sexually abused their son in the Wallsend parish. COE's mother, COC, made the allegation to Bishop Holland in a meeting in about 1978 or 1979. COE's parents were accompanied by their good friends Christopher and Valerie Hall. Mrs Hall told us that Bishop Holland was dismissive of COC's account and told them they needed 'photographic evidence to prove things like that, and until then, there was nothing he could do'. There was no offer of assistance or commitment to do anything. She said they were all shocked by Bishop Holland's response. Two other witnesses gave accounts of Bishop Holland's dismissal of allegations about Father Rushton and COE.<sup>444</sup>

We also heard evidence from survivors CKA and CKB about sexual abuse they say they suffered at the hands of parish priest Father George Parker in the 1970s. Father George Parker was a student of Morpeth College from 1963 to 1965. He was a priest in the Diocese of Newcastle from the mid-1960s until 1996, when he moved to the Diocese of Ballarat.<sup>445</sup>

Survivor CKA told us in the *Anglican Diocese of Newcastle* public hearing:

During the years that I served as an altar boy, [Father Parker] became quite close to my family. My mother was very religious so merely by his position as the parish priest, she held [Father Parker] in the highest regard. She really put him on a pedestal. It was like he was as close to being God as she could get.<sup>446</sup>



CKA and CKB gave evidence they were sexually abused by Father Parker while they served as altar boys in the Diocese of Newcastle in the mid-1970s. At that time, Father Parker was a priest in the diocese.<sup>447</sup> CKA told us:

During [Father Parker's] abuse, he would often say things to me like 'This is our special secret, remember how good a friend Father Parker is'. At the time, I felt that I couldn't disclose [Father Parker's] secret because no-one would believe me. Priests had extremely high standing back then and could do no wrong in the community's eyes.<sup>448</sup>

CKA told us that, after he and CKB had each disclosed some of the abuse to their mother in 1975, he came to believe that his mother had reported to Bishop Ian Shevill her sons' disclosures that they had each been sexually abused by Father Parker.<sup>449</sup> CKA told us about the impact on him of Bishop Shevill's response to his mother:

I know that in around 1981 onwards I was fully aware of the fact that Mum had spoken to the bishop. My elder brother CKL and I had an open conversation in around 1981 where he had told me that he had driven Mum to see the bishop and she came out very upset. I came to believe that this was the occasion that mum reported [Father Parker's] abuse to the then Bishop Ian Shevill but that he had been dismissive. This realisation was one of the main contributors to my breakdown.<sup>450</sup>

CKA disclosed the alleged abuse he experienced at the hands of Father Parker to Assistant Bishop Richard Appleby of the Diocese of Newcastle in 1984. No steps were taken with respect to Father Parker after that disclosure.<sup>451</sup>

In February 1996, Father Parker transferred from the Diocese of Newcastle to the Diocese of Ballarat. CKA contacted the Diocese of Newcastle in 1996 and again in 1999 to report the abuse by Father Parker. In each case, CKA spoke with the dean of the cathedral in Newcastle, Graeme Lawrence.<sup>452</sup> Mr Lawrence raised the allegations with Bishop Herft<sup>453</sup> and their responses to CKA's disclosures in 1996 and 1999 are discussed in Section 12.4.2, 'Reporting allegations to police and other authorities'.

CKA and CKB reported the alleged abuse to the police in 2000 and Father Parker was charged with child sex offences. He was committed to stand trial. He was represented by Mr Keith Allen (a solicitor with a longstanding involvement in the Diocese of Newcastle in a lay capacity) and Mr Paul Rosser QC (then the deputy chancellor of the diocese). The prosecution ultimately withdrew the charges.<sup>454</sup> These events are described in more detail in Section 12.4.2.

The dismissal or minimisation of allegations of child sexual abuse by clergy and/or lay people was also a feature of our *Church of England Boys' Society* case study, where we found that it occurred in multiple dioceses.

In the Diocese of Sydney, Mr Richard Kells – a CEBS leader in the St Ives branch – made multiple attempts in the early 1980s to make those involved in leadership roles in the Anglican Church aware of his concerns about the conduct of Simon Jacobs towards young boys.<sup>455</sup> Jacobs was a lay CEBS leader. He took up a leadership role in the Christ Church St Ives CEBS branch in the mid-1970s and later transferred to the CEBS group at St Swithun’s Anglican Church in Pymble.<sup>456</sup>

In 1980 and 1981, Mr Kells reported to Mr Stewart Park, the St Ives CEBS branch governor, his concerns over Jacobs’s improper conduct with boys. However, Mr Park was dismissive and told Mr Kells not to look into the matter.<sup>457</sup> In 1982, when Jacobs transferred to St Swithun’s, Mr Kells reported his concerns to the acting rector there, Bishop Clive Kerle. Bishop Kerle told Mr Kells to ‘try to be forgiving and give [Jacobs] a second chance’. There was no evidence that Bishop Kerle took any action in response to this information.<sup>458</sup>

In 1983, Mr Kells was made aware of another allegation that Jacobs had interfered with a CEBS boy. The family of the boy chose not to go to the police. Mr Kells reported the allegation and his earlier experiences with Jacobs to Reverend Kelvin Tutt, who was then the chairman of CEBS in the Diocese of Sydney. Reverend Tutt took action by revoking Jacobs’s warrant to be a leader in any CEBS group. From that time, Jacobs had no further involvement in CEBS. It appears that no further steps were taken by the CEBS leadership or the diocese in relation to Jacobs at that time.<sup>459</sup>

Bishop Dr Jensen, the former Archbishop of Sydney, told us that in hindsight, the responses of Mr Park and Bishop Kerle were ‘massively inappropriate’ and that Mr Kells’s approach was ‘utterly correct’. While he did not seek to excuse these responses, Bishop Dr Jensen explained that at that time there was a belief that sexual abuse did not have the impact it is now known to have. He said that at that time, if abuse was perpetrated, it was thought to be isolated rather than chronic in nature – something now known to be ‘utterly false’.<sup>460</sup>

In relation to the Diocese of Adelaide, another example of dismissing and minimising allegations of abuse is found in survivor Mark King’s experience of sexual abuse as a child by at least one Church of England Boys’ Society (CEBS) leader from the Parish of the Good Shepherd in Plympton and by Robert Brandenburg.<sup>461</sup> Mr Brandenburg had been involved in CEBS as a lay person and was the chief commissioner of CEBS in South Australia.<sup>462</sup>

Allegations about Mr Brandenburg had first come to the attention of the Diocese of Adelaide at some time in the period between 1976 and 1978. Sometime between 1976 and 1978, there was a meeting between a parent of a CEBS boy, Mr Brandenburg, Reverend Donald Grey-Smith and Reverend Brian Smith (who later became Archdeacon Smith), at which the parent reported that Mr Brandenburg, then the commissioner of South Australian CEBS, had fondled his son on a trip to Melbourne. Reverend Smith said to Mr Brandenburg, ‘You won’t do this again’. Mr Brandenburg responded, ‘No’.<sup>463</sup>

Mr Brandenburg remained in the position of CEBS commissioner until April 1981 when he was deposed as a commissioner at an election and ceased to be a salaried employee of CEBS. He then became an employee of the Diocese of Adelaide with responsibilities for the management of campsites and parish liaison. In 1989, his employment was transferred to what is now AnglicareSA, and he retired in July 1998.<sup>464</sup>

Mr King told us that he reported abuse by Mr Brandenburg to Archdeacon Smith in the Diocese of Adelaide in June 1993.<sup>465</sup> Mr King told us about Archdeacon Smith's response to his disclosure:

Archdeacon Smith also told me during our meeting that Brandenburg had often been to his house and he vouched for his good character. Archdeacon Smith said, 'Young people often misinterpret normal contact as something else. Are you sure that's not the problem?' He then said, 'Well if [it] was such a long time ago, even if it did happen what's the point of bringing it up now? You just need to forget and move on'. I felt that Archdeacon Smith was trying to minimise Brandenburg's behaviour.<sup>466</sup>

We were satisfied that Archdeacon Smith responded to Mr King's allegations in an aggressively defensive way and vouched for Mr Brandenburg's good character.<sup>467</sup>

Mr King said that he followed up with Archdeacon Smith on three or four subsequent occasions over eight to nine weeks. He was told the matter was 'sorted out' and also that the diocese would take legal action against him if he repeated the allegations. Mr King told us that Archdeacon Smith had said to him, 'Be very careful who you talk to about this. We have the best lawyers and we have no hesitation in pursuing you'.<sup>468</sup> We found that Archdeacon Smith's conduct toward Mr King conveyed that he did not believe Mr King's allegations. This had a devastating effect on Mr King and Archdeacon Smith's threats had the effect of discouraging Mr King from taking the matter further at that time.<sup>469</sup>

At that time, Archdeacon Smith was the chairperson of the diocese's Critical Incident Taskforce which had been established to respond to allegations of abuse by clergy.<sup>470</sup> Archdeacon Smith did not report Mr King's allegations to Archbishop Ian George, then Archbishop of Adelaide, and took no action in response to Mr King's allegations.<sup>471</sup>

Further reports or disclosures concerning Mr Brandenburg's conduct were received by the Diocese of Adelaide in March 1995,<sup>472</sup> 1998<sup>473</sup> and early 1999,<sup>474</sup> and by Anglicare SA in mid-1997 and late 1997.<sup>475</sup> On 24 May 1999, Mr Brandenburg was charged with 34 counts of unlawful sexual intercourse and 341 counts of indecent assault. On 2 June 1999, two days before he was due to appear in court, Mr Brandenburg suicided.<sup>476</sup>

In the same case study, survivor BYC told us about the sexual abuse he says he suffered in the Diocese of Sydney at the hands of Jacobs.<sup>477</sup> BYC said that he was first sexually abused by Jacobs in May 1977, when he was 10 years old. The abuse took place during an overnight trip to Young,

New South Wales with BYC's family and Jacobs. BYC and Jacobs shared a room. BYC told us that during the night Jacobs asked BYC to get into his bed and then Jacobs masturbated BYC.<sup>478</sup>

BYC said that Jacobs sexually abused him between two to five times per month until 1981.<sup>479</sup> He first disclosed the abuse to the Anglican Church in 1987, when he told Reverend Boak Jobbins, the minister at St Swithun's.<sup>480</sup> BYC described to us Reverend Jobbins's response to his disclosure:

In around 1987, when I was 21 years old, I told the minister at Pymble, Reverend Boak Jobbins, that I was going to take Jacobs to court. Reverend Jobbins told me to 'let sleeping dogs lie' and not to proceed. He also told me that, as a Christian, I had to forgive him. At the time, I was a worshipper at Pymble. I was fairly certain that Reverend Jobbins knew about Jacobs abusing children, as he had dismissed Jacobs quite suddenly from CEBS Pymble two or three years earlier, in around 1984 or 1986.<sup>481</sup>

We accepted BYC's evidence that Reverend Jobbins told him to 'let sleeping dogs lie' and not to proceed in relation to his allegation against Jacobs.<sup>482</sup>

BYC told us that he subsequently reported the abuse to the police in October 1988.<sup>483</sup> Jacobs denied the allegations but was nevertheless charged. At the committal hearing, BYC gave evidence and was cross-examined. The magistrate found that a jury would not be likely to convict Jacobs because of a lack of corroborative evidence. The charges were dismissed.<sup>484</sup> Over 20 years later, in 2011, Jacobs pleaded guilty to 11 child sex offence charges involving six boy victims, including BYC. He was sentenced to an overall term of imprisonment of nine years with a non-parole period of five years and six months.<sup>485</sup>

## 'Silencing' people who disclosed allegations of child sexual abuse

We also heard evidence in both the *Church of England Boys' Society* and the *Anglican Diocese of Newcastle* public hearings that, in some instances, senior Anglican Church personnel responded to allegations of child sexual abuse by asking survivors and other witnesses who disclosed allegations to remain silent.

In the *Anglican Diocese of Newcastle* public hearing, Ms Noelle Freeman provided a statement about two mothers' complaint in or around 1975 to then Bishop of Newcastle, Bishop Shevill, about sexual abuse of their daughters by Canon Harold Marshall. According to the mothers, Bishop Shevill told them he would 'fix it', but asked them to keep quiet 'to protect the good name of the Church'. Ms Freeman gave evidence that she discussed these allegations of abuse with Bishop Shevill, who said 'we must never speak of it again' and 'we must protect the good name of the Church'. We accepted Ms Freeman's evidence and found that Bishop Shevill had received allegations of child sexual abuse against Canon Marshall but took no steps to respond to those allegations because he was concerned to protect the reputation of the Anglican Church.<sup>486</sup>

In the *Church of England Boys' Society* public hearing, we heard about the response of the Diocese of Tasmania to allegations of child sexual abuse which were disclosed to Bishop Phillip Newell in 1987. In June 1987, Bishop Newell was told of allegations that Louis Daniels, a CEBS leader, had sexually abused three CEBS boys who were under the age of 18.<sup>487</sup>

At the time of the allegations, Daniels was the rector in the Parish of Deloraine and a prominent member of the Church of England Boys' Society in Tasmania and at a national level.<sup>488</sup> He had been involved in CEBS since the 1960s. Daniels had become a priest in 1975 and held increasingly senior positions in the Anglican Church in Tasmania, including as Archdeacon of Burnie, until the early 1990s. He also held senior positions on diocesan committees and the General Synod Standing Committee, including as chair of the General Synod Youth Commission.<sup>489</sup>

Two of the CEBS boys who disclosed the allegations to Bishop Newell in June 1987 did so with the help of two CEBS leaders, Ms Sue Clayton and Mr Peter Francis. Ms Clayton told us that Bishop Newell did not think the matter ought to be reported to the police<sup>490</sup> and that Bishop Newell said to her, 'You are to speak to no one about this'.<sup>491</sup>

Ms Clayton told us that she resigned from the Anglican Church in April 1989.<sup>492</sup> Shortly after resigning, she wrote to the secretary of the vestry at the Orford parish explaining her reasons for resigning. Her letter stated in part:

I have witnessed and been part of, what I can only describe as being corrupt situations. At this point in time, I am supposed to be under a confidentiality of silence imposed upon me by our bishop regarding what should have been a matter of prosecution.<sup>493</sup>

We heard in the *Church of England Boys' Society* public hearing that Daniels resigned in November 1994 from all roles in the Anglican Church and moved to the Australian Capital Territory. The reasons for his resignation were not made known at the time, but in fact he resigned because of new allegations of sexual abuse that survivor BYW had made to the police. From 1995 until May 1997, Daniels was employed as a teacher at several schools in the ACT.<sup>494</sup>

In 1999, Daniels pleaded guilty to and was convicted in the Tasmanian Supreme Court of child sexual abuse offences against BYW. He was sentenced to one year's imprisonment with the last three months suspended.<sup>495</sup> On 13 December 2002, Daniels was deposed from holy orders after BYF made allegations of child sex abuse against him. In 2005, Daniels pleaded guilty to and was convicted of child sex offences relating to six other boys, including BYF and Mr David Gould. He was sentenced to seven and a half years' imprisonment with a non-parole period of five and a half years.<sup>496</sup> We discuss the disciplinary proceedings against Daniels in the Diocese of Tasmania in Section 12.4.5, 'Disciplining clergy under the tribunal system'.

In Section 12.4.2, we discuss in more detail the Diocese of Tasmania's inaction in not reporting to police multiple allegations received about Daniels from 1981 onwards.

In the *Institutional review of Anglican Church institutions* public hearing, Mr Michael Elliott, the Professional Standards Director in the dioceses of Newcastle and Grafton, expressed the view that ‘historically, perpetrators of child sexual abuse have used threats of defamation to great effect to stymie any response to complaints about them’.<sup>497</sup> However, not only individual perpetrators made such threats. We heard evidence of instances where senior Anglican personnel in the Diocese of Adelaide and the Diocese of Newcastle responded to allegations of child sexual abuse by raising the threat of potential legal action against survivors and other disclosers.

As discussed above, Archdeacon Smith, in response to Mr King’s disclosure that he had been sexually abused as a child by Mr Brandenburg, threatened Mr King that the diocese would take legal action against him if he repeated the allegations.<sup>498</sup>

In the Diocese of Newcastle, Bishop Roger Herft threatened defamation action against a couple who reported allegations of child sexual abuse to him about Mr Lawrence. Mr Robert Wall and his wife met with Bishop Herft in 1995 and told him that Mr Lawrence had allegedly sexually abused two young boys.<sup>499</sup>

Mr Lawrence was ordained in the Diocese of Riverina as a deacon in 1965 and as a priest in 1966. He was appointed as rector at St Alban’s Church in the Parish of Griffith in 1975, and in 1978 he also became an archdeacon. From 1975 to May 1984, numerous young priests trained under Mr Lawrence at St Alban’s Church. These priests included Mr Bruce Hoare, Mr Graeme Sturt and Mr Andrew Duncan. Mr Lawrence was aware at the time that Mr Hoare was homosexual, and at some point he became aware that Mr Sturt was too.<sup>500</sup>

In June 1984, Bishop Holland appointed Mr Lawrence as dean of the cathedral in Newcastle and as his commissary. Mr Lawrence was also involved in the Anglican Church at a national level. From around 1978 until 2009, he was a member of the General Synod and for some years was a member of the Standing Committee of the General Synod.<sup>501</sup>

Mr Lawrence retired as dean in December 2008 and worked in locum positions in the Diocese of Wangaratta until October 2009, when he was suspended. His suspension followed allegations by CKH that he had been involved in a sexual relationship with Mr Lawrence when he, CKH, was 16 years old. CKH also alleged that Mr Lawrence, Father Sturt and Mr Hoare participated in group sex with CKH in 1984, when he was 19 years old and while a 17-year-old boy was in the room.<sup>502</sup>

The police investigated these allegations from 2009 to 2010 but decided to take no further action. However, following hearings of the diocesan professional standards board, it was recommended that Mr Lawrence be deposed from holy orders. Following an unsuccessful court challenge to his disciplinary action, Mr Lawrence was deposed from holy orders in 2012.<sup>503</sup>

Mr Wall told us in a written statement that in 1995, Bishop Herft seemed disinterested in the allegation against Lawrence. He told us that Bishop Herft responded that if Mr and Mrs Wall did not disclose the names and continued to complain about Mr Lawrence, they would face legal action for defamation of character. Mr Wall told us that, as a result of Bishop Herft's warning and the fact that the alleged victims disclosed their abuse in confidence, he and his wife did not report the allegation to the police as they were worried about legal action.<sup>504</sup>

Archbishop Herft told us he did not recall receiving allegations from the Walls or of the meeting with them, although a diary entry confirmed the meeting and Archbishop Herft accepted that he must have met with the Walls. However, he maintained that he did not recall the meeting and stated that he would not have spoken to them about defamation.<sup>505</sup> We accepted that the Walls told Bishop Herft in 1995 that two boys had separately approached them and alleged that Mr Lawrence had sexually abused them.<sup>506</sup>

In addition to the disclosure by the Walls in 1995, we found that senior members of clergy made Bishop Herft aware of allegations of child sexual abuse against Mr Lawrence on two further occasions in 1996 and 1999.<sup>507</sup>

We found that Bishop Herft spoke to Mr Lawrence about the disclosures but did not take any further action, notwithstanding that they were made on multiple occasions by different people. He did not report them to the police. He did not cause any kind of investigation to be conducted. Nor did he implement any kind of risk management strategy with respect to Mr Lawrence.<sup>508</sup> Bishop Herft's response to allegations about Mr Lawrence is discussed further in Section 12.4.2.

## 12.4.2 Reporting allegations to police and other authorities

I made a real error of judgment. It had appalling consequences. I believe – and I put myself in this position: I had three sons. I just want to be quick but personal. I had three sons and I have said to myself in reading the papers for this Royal Commission, what would I have felt if I had had my three sons coming home and giving that story that those two or three had. What would I have expected and would I have thought that the Church had done enough? I made a wrong judgment.<sup>509</sup>

**Bishop Phillip Newell, former Bishop of Tasmania**

In this section, we set out what we heard in our case studies about how some personnel in Anglican Church institutions in the dioceses we examined did not, in some instances, report allegations of child sexual abuse by clergy and church workers to police or other authorities.



In the *Church of England Boys' Society* public hearing, we heard how Anglican Church personnel did not report allegations or complaints about the behaviour of people involved in or associated with CEBS to the authorities. As we saw in that case study, this occurred in the dioceses of Sydney, Tasmania, Adelaide and Brisbane.

As noted earlier, Mr Kells made multiple attempts in the early 1980s to make those involved in leadership roles in the Anglican Church aware of his concerns about the conduct of Simon Jacobs towards young boys.<sup>510</sup> However, there was no evidence that Anglican Church or CEBS personnel reported Jacobs to the police or other authorities. In the same case study, we heard that Reverend Jobbins told survivor BYC in 1987, when he disclosed sexual abuse by Jacobs, to forgive Jacobs.<sup>511</sup>

Bishop Newell, as mentioned earlier, was told in June 1987 of allegations that Daniels had sexually abused three CEBS boys who were under the age of 18.<sup>512</sup> One of the CEBS leaders who helped two of the CEBS boys disclose the allegations to Bishop Newell told us that she asked Bishop Newell if the matter should be referred to the police. Bishop Newell told her that because 'it had not progressed beyond fondling it is not a police matter'.<sup>513</sup>

This was not the first time that Anglican Church personnel had been made aware of inappropriate conduct by Daniels. In 1981, Daniels was the senior assistant priest at St David's Cathedral in Hobart and the chairman of CEBS in Tasmania when he was verbally rebuked by Bishop Henry Jerrim for inappropriate conduct with a boy. Bishop Jerrim was the assistant bishop to the Bishop of Tasmania at the time, Bishop Robert Davies. Daniels told us that the rebuke followed an allegation by a 14-year-old boy that Daniels had sexually propositioned him. Daniels admitted to Bishop Jerrim and Bishop Davies that the allegation was true. Bishop Davies told Daniels to 'amend his life' and attend counselling. There were no other consequences for Daniels. Daniels remained involved in CEBS and at that time was the chairman of CEBS in Tasmania.<sup>514</sup>

We found that in 1987, Bishop Newell did not encourage the complainants to go to the police.<sup>515</sup> Bishop Newell accepted that he should have reported the allegations to the police even though the complainants were reluctant to have their parents notified:

If I had acted then, ignoring what they'd asked me, because they were boys, and done the adult thing and gone to the police, so much suffering would have been avoided.<sup>516</sup>

Bishop Newell did, however, take counsel from the then primate and Archbishop of Brisbane, Archbishop Sir John Grindrod, about what action should be taken with respect to Daniels. Archbishop Grindrod advised him to seek a verbal assurance from Daniels that if the alleged behaviour had occurred, it was an aberration and not part of a pattern of behaviour.<sup>517</sup> Bishop Newell then verbally rebuked Daniels and sought his assurance that the conduct would not be repeated. We found it difficult to understand how Bishop Newell could have relied on such an assurance given that he was aware that three separate boys had complained.<sup>518</sup>

The allegations were not reported to the police at this time, and Daniels remained in ministry and continued his involvement in CEBS. In February 1988, Daniels was made 'life vice president' of CEBS in Tasmania.<sup>519</sup> In 1989, Bishop Newell appointed Daniels as Archdeacon of Burnie, one of the highest positions within the diocese.<sup>520</sup>

Survivor BYG made a civil claim against the Anglican Church and Daniels in 1994, which he ultimately settled with Daniels in September of that year. BYG had conveyed to the Diocese of Tasmania that in addition to a financial settlement, he expected that Daniels would be dismissed.<sup>521</sup> Bishop Newell conceded that by this time, he had no doubt that Daniels had committed the acts of which he was accused and Daniels had not denied them when confronted.<sup>522</sup> Despite this, no steps were taken by Bishop Newell or anyone in the Diocese of Tasmania to report BYG's allegations to the police. As discussed in Section 12.4.3, 'Continuation of ministry or lay involvement', Bishop Newell decided instead to issue a 'letter of solemn admonition' to Daniels upon the advice of the then primate, Archbishop Keith Rayner.<sup>523</sup>

Meanwhile, Daniels continued in his position as Archdeacon of Burnie and his other roles in the Anglican Church generally.

Another CEBS leader, Mr Brandenburg, was the subject of reports to Anglican Church personnel in the Diocese of Adelaide, about which nothing was done. As noted earlier, Archdeacon Smith did not report to the police allegations about Mr Brandenburg received from Mr Mark King in 1993, despite the fact that he was the chair of a task force which had been established to respond to allegations of abuse by clergy.

Further reports or disclosures concerning Mr Brandenburg's conduct were received by the Diocese of Adelaide in March 1995,<sup>524</sup> 1998<sup>525</sup> and early 1999,<sup>526</sup> and by AnglicareSA in mid-1997 and late 1997.<sup>527</sup> In March 1995, a senior priest told Archbishop Ian George that Mr Brandenburg had been found naked in a spa at his home with a parishioner's 10-year-old son. At the time, Mr Brandenburg was employed by AnglicareSA. Bishop George told us that that although the report sounded alarm bells, it was not pursued further, which was a serious error of judgment on his part. He acknowledged that he could have insisted that AnglicareSA report the complaint to police.<sup>528</sup>

In the Diocese of Brisbane, Dr Peter Hollingworth, then Archbishop of Brisbane, was made aware in July 1993 of allegations that John Elliot had sexually abused a CEBS boy several years earlier, before he was ordained but while he was involved in CEBS.<sup>529</sup> At various times between 1956 and the early 1990s, Elliot was a CEBS leader in Queensland and Tasmania, and he also served in executive positions in CEBS in both states.<sup>530</sup> In 1985, he was ordained as a deacon in the Diocese of Brisbane and he received holy orders as a priest in 1986.<sup>531</sup>

Survivor BYB told us in the *Church of England Boys' Society* public hearing that he was sexually abused by Elliot on nearly a weekly basis from when he was about nine years old until he turned 13. BYB's family attended St Barnabas Anglican Church in Sunnybank, Queensland.

At the time, Elliot was the branch governor of CEBS Sunnybank and also a lay preacher. BYB attended activities organised by Elliot, such as overnight CEBS camps.<sup>532</sup>

In July 1993, BYB and his brother disclosed to their parents that they had been sexually abused by Elliot. BYB's parents immediately reported the allegations to Bishop John Noble, a family friend and an assistant bishop in the Diocese of Brisbane. Soon after, Bishop Noble reported the allegations to Dr Hollingworth.<sup>533</sup> Elliot subsequently admitted to Dr Hollingworth that he had abused BYB and his brother.<sup>534</sup> In August 1993, BYB told Dr Hollingworth that the abuse by Elliot was repeated over a number of years.<sup>535</sup>

Although he received information from a psychiatrist in September 1993 that was sufficient to alert him that Elliot posed an ongoing risk to children,<sup>536</sup> Dr Hollingworth permitted Elliot to remain in the ministry for almost another four and a half years, until he reached retirement age (65 years) in February 1998.<sup>537</sup> There was no evidence before us that Dr Hollingworth reported the matter to the police, and he agreed that he told BYB during the meeting that he would like to handle the matter internally. However, Dr Hollingworth said he did not discourage BYB from taking his complaint to the police.<sup>538</sup> After Elliot's retirement in February 1998, Dr Hollingworth granted him an authority to officiate and Elliot worked as a locum priest around the Diocese of Brisbane.<sup>539</sup> Dr Hollingworth did so without taking further steps to assess whether Elliot posed a risk to children.<sup>540</sup>

In March 2002, Elliot pleaded guilty to 28 child sex offences involving five boys. He was sentenced to seven and a half years' imprisonment with a non-parole period of 30 months. In February 2003, Elliot pleaded guilty to further charges of indecently dealing with two boys under the age of 14 years. One of those boys was BYB. Elliot was sentenced to an additional two and a half years' imprisonment and his non-parole period was extended by three months.<sup>541</sup> We discuss the circumstances of the complaints about Elliot, and the Diocese of Brisbane's response to those complaints, again in Section 12.4.3.

In the *Anglican Diocese of Newcastle* public hearing we received no evidence that child sexual abuse matters were reported to the police or other authorities during Bishop Shevill's and Bishop Holland's episcopates, which covered the period from 1973 to 1992.

We found that during Bishop Herft's tenure from 1993 to 2005, very few allegations of child sexual abuse were reported to the police (although the police were already aware of some). This was despite Bishop Herft's evidence that from 1993, there was a clear policy in the Diocese of Newcastle to report matters of child abuse to the police.<sup>542</sup> However, we found that this policy was fettered in many respects. Archbishop Herft told us he considered it was only necessary to report such allegations to the police where the complainants were identified by name, where the complaint was put in writing and where the complaint had some 'substance'. In fact, very few allegations of child sexual abuse that had not already been made known to the police were reported to the police during Bishop Herft's tenure as Bishop of Newcastle.<sup>543</sup>

Bishop Herft did not report allegations of child sexual abuse to police that were made against the dean of the cathedral, Mr Lawrence; the one-time Archdeacon of Maitland, Father Rushton; and parish priest, Father Parker. Bishop Herft showed no regard for the need to protect children from the risk that they could be preyed upon. It was a failure of leadership.<sup>544</sup>

In relation to Mr Lawrence, Bishop Herft received allegations on three separate occasions between 1995 and 1999 that Mr Lawrence had sexually abused children.<sup>545</sup> At the time, Mr Lawrence was the dean of the cathedral in Newcastle. Bishop Herft said that he raised the allegations with Mr Lawrence, who denied them. Mr Lawrence strenuously denied to us that such allegations were ever raised with him.<sup>546</sup>

We found that Bishop Herft's response to the disclosures concerning Mr Lawrence was unsatisfactory. While he spoke with Mr Lawrence, he did not take any further action in relation to the allegations, notwithstanding that they were made on multiple occasions by different people. He did not report them to the police. He did not cause any kind of investigation to be conducted and he did not implement any kind of risk management strategy with respect to Mr Lawrence.<sup>547</sup>

As discussed in section 12.4.1, 'Dismissing, disbelieving or minimising allegations of child sexual abuse', CKA and CKB said that they were sexually abused by Father Parker in the Diocese of Newcastle in the mid-1970s. CKA and CKB's older brother, CKL, told us that their mother disclosed the abuse to Bishop Shevill in around 1975,<sup>548</sup> and CKA disclosed the alleged abuse he experienced to Assistant Bishop Appleby in 1984, but nothing was done.<sup>549</sup>

CKA told us about his experience of abuse:

[Father Parker]'s abuse still preys heavily on my mind. Every single day of my life has been filled with the sexual abuse I experienced as a child. While the abuse was horrendous, at least it's over. It is the impact of the church's response that is ongoing. I cannot get over the sheer frustration of dealing with bishops and clergy who I believe knew full well what Father Parker was doing and yet did nothing.<sup>550</sup>

By February 1996, Father Parker was working in the Diocese of Ballarat. CKA disclosed the alleged abuse to Mr Lawrence in 1996 and 1999. After CKA and CKB reported the alleged abuse to the police in 2000, Father Parker was charged with child sex offences in 2001 but the charges were later withdrawn at trial by the Director of Public Prosecutions.<sup>551</sup>

In relation to CKA's disclosures in 1996 and 1999, both Mr Lawrence and Bishop Herft, in not informing the police, acted contrary to the policy in the Diocese of Newcastle that allegations of child sexual abuse be reported to the police. Bishop Herft's response to CKA's allegations in 1999 fell far short of what ought reasonably to have happened. Bishop Herft's response lacked any consideration for the protection of children (to whom Father Parker may still have posed a risk).<sup>552</sup>

Neither Bishop Herft nor Mr Lawrence informed the Diocese of Ballarat of the allegations against Father Parker, despite the fact that Father Parker was licensed as a priest in the Diocese of Ballarat in 1999 and may have had access to children.<sup>553</sup>

On 23 December 2016 Father Parker was charged with 24 child sex offences committed against CKA and CKB. This included the four offences for which he was originally indicted in 2001. Father Parker died on 11 January 2017 before the charges were heard.<sup>554</sup>

As discussed in Section 12.4.3, the Diocese of Newcastle was made aware of complaints of child sexual abuse by Father Rushton on many occasions, over many decades; however he was permitted to continue in ministry.

In 1998, the diocese was made aware of an allegation by a removalist company that Father Rushton possessed child pornography material. The allegation was subsequently withdrawn, although Bishop Herft, after making inquiries with Father Rushton about the allegation, was led to believe that Father Rushton only possessed large quantities of adult homosexual pornography. We considered that it would have been prudent for Bishop Herft to report the matter to the police even if he was not obliged to do so.<sup>555</sup>

Bishop Herft was made aware in 2002, and again in 2003, of allegations that Father Rushton had sexually abused boys. However, Bishop Herft took no steps after being made aware of these allegations, notwithstanding that they came on top of the earlier allegations (although withdrawn) about the possession of child pornography. By the end of February 2003, Bishop Herft could have been in no doubt that there was a history of behaviour with regard to Father Rushton that required further investigation. We were satisfied that he should have taken further steps to investigate and minimise the risk that Father Rushton posed to children.<sup>556</sup> We found that Bishop Herft's inaction with respect to Father Rushton contributed to the systematic failure of the diocese to make perpetrators accountable for their conduct. Bishop Herft showed no regard for risk management.<sup>557</sup>

Bishop Herft did take appropriate action in responding to allegations in around April 1999 that ordinand Ian Barrack behaved in a sexualised way towards a 14-year-old boy, CKU, by contacting the police, the Department of Community Services, and other diocesan bishops.<sup>558</sup> CKU later disclosed in early 2002 that Barrack had in fact sexually abused him and he reported the matter to the police himself.<sup>559</sup>

As we have discussed above, Bishop Herft did not report allegations he received against Mr Lawrence in 1995, 1996 and 1999 to the authorities. Mr Lawrence told us of an instance where he had not reported allegations about the conduct of his trainee priest, Mr Andrew Duncan, to the police. When he was an archdeacon in the Diocese of Riverina in late 1979, Mr Lawrence suspected that Mr Duncan was having sex with CKH. CKH was then 15 years old and an altar boy. Mr Lawrence told us that he raised his suspicions with Mr Duncan and

CKH and both denied it. Mr Lawrence told us that he did not believe Mr Duncan's denials but, despite this, he did not report the matter to the police or to the Bishop of Riverina. We found that this was 'seriously wrong' of Mr Lawrence.<sup>560</sup>

In the *Anglican Diocese of Newcastle* public hearing we found that, before 2007, allegations of child sexual abuse and related offences were not consistently or regularly reported to the police. We identified this as being one of many systemic issues, the cumulative effect of which was that a group of perpetrators was allowed to operate within the diocese for at least 30 years.<sup>561</sup>

### 12.4.3 Continuation of ministry or lay involvement

Another response we heard about in our case studies involved Anglican Church institutions and senior church personnel allowing alleged perpetrators of child sexual abuse to continue in active ministry or lay involvement in Anglican institutions with access to children, even after complaints had been made about them. In some cases, conditions were imposed, or purportedly imposed, on those against whom allegations had been made. Such conditions related to the terms of their ministry or lay involvement. However, we found that in some cases these conditions failed to adequately mitigate the risks to children, or were not complied with.

As discussed above, we heard in the *Church of England Boys' Society* case study senior Anglican personnel in the Diocese of Tasmania had received allegations in as early as 1981 against Louis Daniels. Daniels told us that, following the 1981 allegation, there was no consequence for him other than having to go to counselling.<sup>562</sup>

At the time complaints were made to Bishop Newell in 1987 that Daniels had sexually abused three boys,<sup>563</sup> Daniels was the rector in the Parish of Deloraine. As discussed earlier, Bishop Newell did not report these allegations to police. In 1988, he nominated Daniels for the position of rector in the Parish of Burnie to which he was subsequently appointed. Bishop Newell told us that before making this nomination he obtained a reassurance from Daniels that he had 'amended his life'.<sup>564</sup>

Survivor BYG was one of the boys who had complained about Daniels in 1987. He told us that he thought the reason for the transfer of Daniels to the Parish of Burnie was that one of the other boys who had complained about Daniels to Bishop Newell in 1987 was a parishioner at Deloraine, and 'it was thought that it would be a good idea to move Daniels to a different parish'.<sup>565</sup>

Mr Peter Francis, one of the CEBS leaders who helped BYG and BYM make disclosures to Bishop Newell, told us that Bishop Newell said he would take the following actions in relation to Daniels:<sup>566</sup>

- He would be removed from the Parish of Deloraine and placed in another parish.
- He would resign as state chairman of CEBS and have no further involvement with the organisation.
- He would take no further part in the diocesan camping program.
- He would receive counselling.

A file note prepared by Bishop Newell some years later, in May 1994, recorded that Bishop Newell had imposed certain conditions, including requiring Daniels to resign from his chairmanship of CEBS and to discontinue all association with youth work in the diocese.<sup>567</sup>

Bishop Newell told us in a statement:

I was satisfied in subsequent meetings and discussion that he had removed himself from all responsibility for youth ministry in the Church, had sought and accepted professional counsel, and was chastened to the point of amendment.

Finally, I further questioned him in the latter half of 1988 when his name was proposed to me for appointment as Rector [at the] Parish of Burnie. Again in the circumstances I could see no continuing impediment to his appointment to another parish.<sup>568</sup>

Contrary to the restrictions that Bishop Newell foreshadowed to Mr Francis and Bishop Newell's 6 May 1994 file note, Daniels continued his involvement with CEBS. Bishop Newell conceded that minutes of the CEBS state executive meeting in February 1988 indicated that Daniels was still involved in CEBS as at that time. During that meeting, it was moved that Daniels be made life vice president of CEBS in Tasmania. The minutes record that the motion was put and 'carried with acclamation'.<sup>569</sup>

In 1989, Bishop Newell promoted Daniels to the position of Archdeacon of Burnie, making him one of the highest-ranking officers within the Diocese of Tasmania.<sup>570</sup> Bishop Newell told us, 'When the archdeaconry became vacant, Mr Daniels was the most talented of the parish priests in that archdeaconry, and there being no further complaint against him, after due consideration, I appointed him archdeacon'.<sup>571</sup>

Mr Francis told us that the appointment of Daniels as the Archdeacon of Burnie was 'deeply insulting to those who knew of the events in 1987'. A letter that BYG's solicitors sent to the diocese in 1994 seeking financial compensation stated that the promotion of Daniels to Archdeacon was 'to a large extent a cover-up and showed a distinct lack of concern for the victims'.<sup>572</sup>



In October 1991, at the meeting of the Standing Committee of the General Synod, Bishop Newell nominated Daniels to take a position on the Standing Committee. Bishop Newell agreed that in doing so, he had in effect nominated Daniels to a position of quite some influence within the Anglican Church of Australia. In 1993, Daniels was invited by the then primate, Archbishop Keith Rayner, to become chair of the Youth Commission of the General Synod.<sup>573</sup>

By early 1994, when Bishop Newell was still the Bishop of Tasmania, BYG had begun civil proceedings against the Diocese of Tasmania and Daniels in relation to sexual abuse by Daniels.<sup>574</sup> By June 1994, Archbishop Rayner had been made aware by Bishop Newell and Bishop Stone of BYG's allegations against Daniels.<sup>575</sup> Nevertheless, Daniels remained in his position as Archdeacon of Burnie and, as at October 1994, remained as chair of the Youth Commission of the General Synod. There was no attempt to remove Daniels from his positions. No steps were taken to alert parishioners or those involved in CEBS about the allegations against Daniels.<sup>576</sup>

Bishop Newell told us that in response to BYG commencing civil proceedings in 1994, he took the advice of Archbishop Rayner and issued Daniels with a 'letter of solemn admonition' on 28 July 1994.<sup>577</sup> A written admonition, while not codified as a disciplinary measure in the constitution, is a formal step before the initiation of disciplinary proceedings. The *Offences Canon 1962* provides that a charge may be put forward to a diocesan tribunal relating to 'habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese'.<sup>578</sup>

Bishop Newell's 'Letter of Solemn Admonition' to Daniels reads:

It is my duty and responsibility, in my care for the Church in this diocese and beyond, to place before you this LETTER OF SOLEMN ADMONITION requiring that you note its contents and fulfil its requirements.

The circumstances which have led to this are the allegations of sexual assault made against you by [BYG] when he was a child and when you occupied a position of trust with regard to his care and welfare.

Your acceptance of all that follows and your commitment to and fulfilment of the requirements set out herein are absolutely necessary if you are to continue to be a licensed priest in this diocese.

FIRST, in the event of any civil or criminal action being taken in the courts in the matter of [BYG] and your alleged sexual assault of him, or in the event of other alleged victims of sexual assault by you taking any such civil or criminal action, neither I as bishop nor the Church in this diocese would take any action which would seek to stop the proceedings.

SECONDLY, the initiation of such action would create a public situation such that your resignation as a licensed priest would be immediately required. It is right that you assure me in writing of your compliance with this course of action.

THIRDLY, I hereby require of you in writing your solemn assurance that, since I verbally admonished you in 1987, there has been no repetition or further occurrence of this kind of criminal assault by you and consequent breach of trust.

FOURTHLY, I admonish you to live your life so that it is beyond reproach.

Allegations which satisfy me that you have engaged in conduct disgraceful in an ordained person and productive or likely to be productive of scandal or evil report, or allegations of improper sexual or other behaviour made against you and, again, which satisfy me as being with foundation, will lead to your being required to resign as a licensed priest. Your acknowledgement of your responsibility in this regard is required.

FIFTHLY, in the event of your seeking a position in another diocese or being offered such a position, I would be bound, for the sake of the Church, to inform the bishop of such other diocese regarding the matters to which this letter refers.

SIXTHLY, should you at any time be asked to allow your name to be considered for election to a See or appointment as an assistant bishop, or should you be elected to and offered such an episcopal appointment I hereby require that you decline such offer, nomination or appointment, or make a complete disclosure of the matters referred to in this letter, otherwise I would be duty bound to disclose the matters referred to in this letter to the appointing, nominating or electing authority.<sup>579</sup>

We found that this letter of solemn admonition was an inappropriate way for Bishop Newell to respond to the allegations of child sexual abuse against Daniels, despite the fact that the primate had advised him to issue the letter. The letter failed to disclose that by this time multiple complainants had made allegations against Daniels. The approach adopted by Bishop Newell had no regard for the need to protect children from further sexual abuse by Daniels.<sup>580</sup>

We found that Bishop Newell's only reason for issuing the written admonition in 1994, rather than in 1987 when the allegations were initially raised, was his concern that the matter may become public.<sup>581</sup>

Bishop Newell acknowledged that the reason for issuing the letter was concern for the Anglican Church if it became public knowledge that Daniels had settled with BYG for a substantial sum. Bishop Newell stated that he was of the view that Daniels's settlement with BYG would become public, as the media were bound to find out. Bishop Newell also agreed that the outcome of the letter was that, unless the allegations became public, Daniels would be able to continue in ministry. During the public hearing, Bishop Newell told us that he did not turn his mind to what steps were necessary to protect children from Daniels at the time. He told us, 'I think I very much regret that and that is why – partly why I've sought to express an apology later'.<sup>582</sup>

Daniels resigned from ministry in November 1994, after a further allegation was made against him to Bishop Newell involving a 13-year-old boy.<sup>583</sup> We discuss the circumstances of Daniels's resignation, and the involvement of Bishop Newell and other Anglican Church personnel in Daniels's decision to resign, in further detail in Section 12.4.4, 'Removal from ministry'.

In the same case study, we heard how attempts were made to restrict the ministry of John Elliot, following complaints of child sexual abuse. In July 1993, the then Archbishop of Brisbane, Dr Peter Hollingworth, was made aware of complaints that Elliot had engaged in child sexual abuse several years earlier, before he was ordained but while he was involved in CEBS.<sup>584</sup> Survivor BYB and his brother had each disclosed that they had been sexually abused by Elliot when he was the bursar at an Anglican school and a parish CEBS leader.<sup>585</sup>

On 23 July 1993, Dr Hollingworth met Elliot. Dr Hollingworth told us that Elliot 'admitted to [the allegations] very quickly'.<sup>586</sup>

In order to make a decision about what to do about Elliot, Dr Hollingworth decided to consult Dr John Slaughter in late July 1993 to understand what risk Elliot presented.<sup>587</sup> At that time Dr Slaughter was a practising psychiatrist and was on the Diocese of Brisbane's selection panel for clergy.<sup>588</sup> His role was to assess clergy applicants to determine whether they had personality or sexual problems that might affect their behaviour as priests.<sup>589</sup> Dr Hollingworth asked Dr Slaughter for a psychiatric assessment of the nature of Elliot's 'disorder', whether it was treatable and whether there was a risk of repetition.<sup>590</sup>

Dr Slaughter already knew Elliot, having interviewed him before his ordination selection in around 1983. From August 1994, Dr Slaughter had six consultations with Elliot in which he sought to establish the nature of the problem and whether Elliot was 'treatable'. Dr Slaughter said that by his second consultation with Elliot he had formed the opinion that Elliot was a paedophile and that his personality type was untreatable. Dr Slaughter said that he considered that there was a 'real risk' that Elliot would engage in sexual relations with boys in the future.<sup>591</sup>

In around September 1993, Dr Slaughter communicated to Dr Hollingworth that Elliot could not be 'treated' and that paedophilia was a disorder that could recur.<sup>592</sup> We found that the information Dr Slaughter conveyed to Dr Hollingworth in around September 1993 was sufficient to alert him that Elliot posed an ongoing risk to children.<sup>593</sup>

Dr Hollingworth decided to permit Elliot to remain in the ministry for another four and a half years as rector of Dalby until he turned 65 in February 1998, when he was to retire.<sup>594</sup> Dr Hollingworth wrote to Elliot on 3 November 1993 stating that 'no good purpose' could be served by requiring Elliot to relinquish his pastoral responsibility and that 'an act of removing you would place you in an impossible situation at your age and stage in life'. In the letter he also said, 'The matter which has exercised my mind most strongly is the fact that your departure at this stage could cause unintended consequences that would make things worse for you and the Church'.<sup>595</sup>

Dr Hollingworth imposed certain conditions on Elliot's continued ministry, including that Elliot was 'formally' banned from establishing or having any close association with any CEBS group.<sup>596</sup> Other conditions of Elliot's continued ministry were:<sup>597</sup>

- that Elliot correspond with Dr Hollingworth regularly
- not to have any contact with young boys, unless in the presence of an adult, preferably his wife
- that Elliot retire from the parish when he turned 65 years of age.

In 2002, Archbishop Phillip Aspinall, the Archbishop of Brisbane, announced the establishment of an independent inquiry into the Diocese of Brisbane's past handling of sexual abuse allegations against five named individuals (the Brisbane inquiry), including Elliot.<sup>598</sup> During this inquiry, Dr Hollingworth, through his solicitors, gave reasons for his decision to let Elliot continue in the ministry. He said, 'It needs to be stressed that, in reaching this decision, Dr Hollingworth had no reason to believe that the incident with the boys was anything other than a single, isolated and distant occurrence'.<sup>599</sup>

Bishop Clyde Wood, an assistant bishop in the Diocese of Brisbane with whom Dr Hollingworth had consulted about Elliot, told us that the rationale behind the decision to permit Elliot to remain in ministry was to minimise any financial hardship for Elliot's family.<sup>600</sup>

We found that, in making the decision to allow Elliot to continue in the ministry, Dr Hollingworth failed to take into account the advice that Dr Slaughter had given him. Upon receiving Dr Slaughter's advice, it was reasonably open to Dr Hollingworth to conclude that Elliot did remain a risk to children. Dr Hollingworth's decision to permit Elliot to continue in the ministry was a serious error of judgment which focused overly on Elliot's financial needs to the exclusion of the needs of BYB and his family and of the need to protect children more generally. The conditions that were placed upon his ministry were ill informed and failed to adequately mitigate the risk that Elliot posed to children.<sup>601</sup>

Elliot retired as rector of Dalby on 1 February 1998. On 2 February 1998, Dr Hollingworth granted him an authority to officiate. Elliot subsequently performed casual priestly functions around the Diocese of Brisbane. Dr Hollingworth agreed that the stipulation he had imposed in November 1993 that Elliot retire upon turning 65 was a risk management measure. However, Dr Hollingworth said that he awarded the authority to officiate to Elliot upon his retirement because he considered Elliot no longer posed a risk. He based this conclusion on the lack of further complaints about him and that he 'was in good standing' in the parish.<sup>602</sup>

We found that Dr Hollingworth made a serious error in judgment in granting Elliot an authority to officiate. Not only was Dr Hollingworth's decision inconsistent with the condition that Elliot retire upon reaching 65 years of age, but it was made without him taking any steps to assess whether Elliot still posed a risk to children.<sup>603</sup>

The Brisbane inquiry's report was critical of the manner in which Dr Hollingworth had handled allegations of child abuse against Elliot. The Brisbane inquiry found that BYB's complaint against Elliot 'was not handled fairly, reasonably or appropriately'. Dr Hollingworth accepted that conclusion.<sup>604</sup>

Conversely, we found that Dr Hollingworth's successor, Archbishop Aspinall, took prompt and appropriate action in 2002, including announcing the establishment of the Brisbane inquiry, which investigated complaints against five individuals including Elliot, and arranging for Elliot to relinquish his holy orders. Archbishop Aspinall also apologised to Elliot's victims and offered them pastoral support.<sup>605</sup>

As discussed earlier, we heard in the *Anglican Diocese of Newcastle* public hearing that Father Parker was permitted to continue in active ministry despite a number of complaints being made against him by survivor CKA to Anglican Church personnel in the Diocese of Newcastle in 1984, 1996 and 1999. We did not receive any evidence that any conditions were placed on Father Parker's ministry.<sup>606</sup>

CKA told us:

After much frustration from the diocese's inaction, I reported Father Parker's abuse to the New South Wales Police in February 2000. It took a whole lot of courage for me to come forward to the police. I don't expect laypeople to understand 'the power of the church' and the fear this instilled in me about speaking out against its clergy.<sup>607</sup>

As we also discussed in Section 12.4.1, in the same case study we found that in around 1980 Bishop Holland was told that Father Rushton had sexually abused COE. We found that Bishop Holland failed to take any action to report or risk manage Father Rushton once he was made aware of this allegation. In fact, Bishop Holland promoted Father Rushton in 1983 to the position of Archdeacon of Maitland, which meant he formed part of the leadership team within the diocese.<sup>608</sup>

We heard that three other people were sexually abused by Father Rushton after 1979. We found that the failure by Bishop Holland to act on the allegations he received regarding abuse by Father Rushton between 1979 and 1980 was a lost opportunity to prevent further abuse being perpetrated by Father Rushton.<sup>609</sup>

As discussed earlier, Bishop Herft was made aware in 2002 and again in 2003 of allegations that Father Rushton had sexually abused boys. However, no action was taken and Father Rushton was allowed to continue ministry. In relation to the allegations received in October 2002, Bishop Herft made a file note which recorded:

this information that had been shared left me in an unenviable position. Fr Peter had my licence and if he re-offended I would be held liable as I now had prior knowledge of his alleged behaviour.<sup>610</sup>

Archbishop Herft conceded that he could have revoked Father Rushton's permission to officiate (or licence) at will, without requiring any diocesan tribunal procedure. Bishop Herft permitted Father Rushton to remain in ministry after multiple allegations of child sexual abuse were disclosed to him in February 2003, and that he could have been in no doubt by that time that Father Rushton had a history of behaviour that required further investigation. Bishop Herft's inaction with respect to Father Rushton contributed to the systematic failure of the diocese to make perpetrators accountable for their conduct.<sup>611</sup>

We found, and Archbishop Herft accepted, that he was also made aware on three separate occasions of allegations, after 1993, that the dean of the cathedral in Newcastle, Mr Lawrence, had sexually abused children. Firstly, he was told by Mr Robert Wall and his wife in 1995 that two boys had separately approached them and alleged that Mr Lawrence had sexually abused them. Secondly, he was told by then Archbishop of Sydney Archbishop Harry Goodhew in around 1996 that there were allegations that Mr Lawrence had engaged in sexual activity with young boys. Thirdly, he was told by Bishop Bruce Clark of the Diocese of Riverina in 1999 that there was an allegation that whilst in Griffith, Mr Lawrence had been a perpetrator of child sexual abuse.<sup>612</sup>

In response to these disclosures, Bishop Herft spoke with Mr Lawrence about the allegations but did not take any further action, notwithstanding that they were made on multiple occasions by different people. He did not report them to the police. He did not cause any kind of investigation to be conducted. Nor did he implement any kind of risk management strategy with respect to Mr Lawrence.<sup>613</sup>

Mr Lawrence remained as dean of the cathedral until he retired in 2008. He was licensed in the Diocese of Newcastle until his suspension in 2009 and subsequent deposition from holy orders in 2012.<sup>614</sup> The decisions to permit Father Rushton, Father Parker and Mr Lawrence to continue their ministry are consistent with our findings that:

- Bishop Holland adopted a 'do nothing' approach during his episcopate from 1978 to 1992 in response to child sexual abuse allegations in the diocese. We found that Bishop Holland showed a distinct lack of leadership, did not call alleged perpetrators to account and often did not show compassion and pastoral care to survivors.<sup>615</sup>
- Bishop Herft mishandled the allegations of child sexual abuse made against two of the most senior and domineering priests in the Diocese of Newcastle – the dean of the cathedral, Mr Lawrence, and the one-time Archdeacon of Maitland, Father Rushton. His response was weak, ineffectual, and showed no regard for the need to protect children from the risk that they could be preyed upon. It was a failure of leadership.<sup>616</sup>

#### 12.4.4 Removal from ministry

One of the responses we saw in our case studies was the involvement of Anglican Church personnel in decisions by clergy, against whom allegations of child sexual abuse had been made, to resign or retire from their positions or voluntarily relinquish their holy orders.

In the *Anglican Diocese of Newcastle* public hearing, we heard about two instances where clergy against whom allegations had been made were permitted to retire or resign.

Canon Harold Marshall, who was alleged to have sexually abused two girls in the Diocese of Newcastle, was required to leave the parish and retire after the mothers of the girls, together with their husbands, attended a meeting with Bishop Shevill where they disclosed the allegations. Bishop Shevill took no formal disciplinary steps against Canon Marshall because he was concerned to protect the reputation of the Anglican Church.<sup>617</sup>

In the early hours of 12 February 1990, licensed priest Stephen Hatley Gray, the rector of Wyong in the Diocese of Newcastle, sexually abused a 15-year-old boy at his rectory. Hatley Gray had attended Morpeth College in 1972. He was appointed as the rector of the Parish of Wyong in 1988 by Bishop Alfred Holland after previously working in the Diocese of Sydney.<sup>618</sup>

The victim reported the assault to police at about 5 am that same morning. Later that day, Hatley Gray was arrested and charged with homosexual intercourse with a male under 18 years and over 10 years. He resigned as a priest later that day.<sup>619</sup>

In relation to the circumstances of Hatley Gray's resignation, Reverend Raymond Manuel – who was friends at the time with Hatley Gray – visited him on the day of the offence and also spoke with then Assistant Bishop Appleby a few days later. He said Bishop Appleby had told him that due to the 'sensitivity' of the matter, it was being dealt with 'quietly'. Hatley Gray was permitted to resign and was not dealt with under the Diocese of Newcastle's disciplinary process. Procuring the resignation had the effect, as then Assistant Bishop Appleby had told Reverend Manuel, of dealing with the matter 'quietly'.<sup>620</sup>

On 7 September 1990, Hatley Gray pleaded guilty to the offence charged and received a fine of \$100 and a good behaviour bond for three years. Hatley Gray reportedly continued to minister as a member of clergy in another diocese. He is now deceased.<sup>621</sup>

Daniels, allegations against whom were examined in the *Church of England Boys' Society* public hearing, resigned from ministry in the Diocese of Tasmania in November 1994 after Bishop Newell had become aware of allegations that Daniels had abused BYW, a 13-year-old boy.<sup>622</sup> Here, we discuss the circumstances of Daniels's resignation and the involvement of senior Anglican Church personnel in the Diocese of Tasmania in that decision.<sup>623</sup>



Following a meeting between Bishop Newell, Bishop Ronald Stone (then an assistant bishop in the Diocese of Tasmania) and Mr David Thorp (then the diocesan advocate), Bishop Stone visited Daniels on 21 November 1994. He presented Daniels with three options: that Daniels resign immediately, or hand in his licence, or be suspended immediately. The following day, Daniels resigned from all positions within the diocese and the Anglican Church more generally.<sup>624</sup>

On 30 November 1994, Bishop Newell wrote to all Anglican clergy in Tasmania advising that Daniels had resigned for 'personal reasons'. Also on that day, Bishop Newell sent a memorandum to all diocesan bishops and administrators in Australia. That memorandum also advised that Daniels had resigned for 'personal reasons'.<sup>625</sup>

Bishop Newell suggested that his 30 November 1994 memorandum to the bishops was a 'discreet warning' about Daniels. We found that on no fair view can the 30 November 1994 memorandum be characterised as a 'discreet warning' about Daniels.<sup>626</sup> We were satisfied that Bishop Newell advised his colleagues in the Diocese of Tasmania and other diocesan bishops and administrators in Australia that Daniels had resigned for personal reasons and did not disclose the real reason for his resignation at the time.<sup>627</sup>

When asked why he did not suspend Daniels or refer the matter to a diocesan tribunal, Bishop Newell said that he did not consider those options and that it was important for him that Daniels resign.<sup>628</sup> We found that the approach adopted by Bishop Newell failed to take into account the need to protect children from the risk of further abuse by Daniels.<sup>629</sup>

In the same case study, we also heard about an instance where a member of clergy voluntarily relinquished his holy orders. After Elliot pleaded guilty in 2002 to 28 charges perpetrated against five boys, the Diocese of Brisbane arranged for Elliot to sign a deed relinquishing his holy orders. Archbishop Aspinall, who by that time had been installed as the Archbishop of Brisbane, told us that he negotiated with Elliot to voluntarily relinquish his holy orders instead of proceeding to a diocesan tribunal because he considered it the most expedient way to remove his credentials. It was his view that because Elliot had already been convicted, there was little benefit in rehearing the matter and it would have placed an unnecessary burden on Elliot's victims.<sup>630</sup>

The voluntary relinquishment of holy orders would later be codified at a national level through the *Holy Orders, Relinquishment and Deposition Canon 2004*. This canon allowed for the voluntary relinquishment of holy orders by clergy and for a consent to deposition to be signed rather than needing to progress through a tribunal process or the professional standards framework.<sup>631</sup>

## 12.4.5 Disciplining clergy under the tribunal system

As we discussed in Section 12.3, in 2004 the Anglican Church largely moved away from disciplining clergy under a diocesan tribunal process, to a new professional standards framework focusing on ‘fitness for office’.

Before 2004, the primary formal mechanism for disciplining clergy established under the 1962 Constitution of the Anglican Church was the diocesan tribunal. However, this mechanism has been rarely engaged in responding to complaints of child sexual abuse. Instead, we heard that Anglican Church institutions adopted inconsistent and ad hoc responses to complaints against clergy and church workers.

The diocesan tribunal process is quasi ‘criminal’ in nature.<sup>632</sup> It can hear a ‘charge’ against a member of clergy for an offence involving sexual misconduct if the member lives in the diocese or lived in the diocese within the two years before the charge was laid, or if the events that gave rise to the charge occurred within the diocese.<sup>633</sup>

The *Offences Canon 1962* of General Synod prescribes the offences which can be heard by a diocesan tribunal. Mr Michael Shand QC, Chancellor of the Diocese of Melbourne and member of the Professional Standards Commission, told us during the *Institutional review of Anglican Church institutions* public hearing that this canon was adopted by every diocese.<sup>634</sup> These offences are, as set out in the *Offences Canon 1962*:

1. Unchastity.
2. Drunkenness.
3. Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese.
4. Wilful failure to pay just debts.
5. Conduct, whenever occurring,
  - (a) which would be disgraceful if committed by a member of the clergy, and
  - (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
6. Another offence prescribed by an Ordinance of the Synod of the Diocese.<sup>635</sup>

We heard in the *Church of England Boys’ Society* and *Anglican Diocese of Newcastle* case studies that legislation in a diocese sets out how a diocesan tribunal is engaged. For example, in the Diocese of Tasmania, the process is set out in the *Ministry and Tribunal Ordinance 1998*.<sup>636</sup> For the Diocese of Newcastle, it is in the *Clergy Discipline Ordinance 1966*.<sup>637</sup>

The process in each diocese is similar. If a board of enquiry recommends that a matter should go before a diocesan tribunal, charges are laid (according to any applicable canon, ordinance or

rule). The diocesan tribunal hears the charges. If the charges are proven, the diocesan tribunal can recommend sanctions to the bishop of the diocese. The bishop may then decide whether to impose the recommended punishment, mitigate the sentence or issue a pardon. The most severe punishment for a member of clergy is deposition from holy orders.<sup>638</sup>

Several Anglican Church personnel told us that, in their experience, the diocesan tribunal system has been rarely used to discipline clergy. Mr Shand QC, told us during the *Institutional review of Anglican Church institutions* public hearing:

To my knowledge, in Victoria it has been little used. In my time as Chancellor in Melbourne for the last 10 years, it hasn't been engaged at all. In my time in Ballarat, from 2002, it was not engaged – the reason being that it's fairly technical, you've got to make out a charge, it's quasi criminal, quasi disciplinary, and whatever the reason, it just didn't find itself being used a great deal.<sup>639</sup>

Mr Blake SC agreed with Mr Shand QC's comments and acknowledged the shortcoming of the diocesan tribunal system in that it does not deal with allegations against lay people. He told us that:

the very significant shortcoming was that it did not deal with laypeople and it could not deal with laypeople, because the jurisdiction, as mandated under the national constitution, was limited to clergy, and it was very clear, in the early 2000s, that the presenting issue of child sexual abuse not only involved clergy but also laypeople.<sup>640</sup>

During the *Anglican Diocese of Newcastle* public hearing, the former Bishop of Newcastle, Archbishop Roger Herft, told us that part of the reason why he did not take action through the tribunal system was the high degree of proof required to proceed against clergy. He told us that the process was 'very cumbersome'. The only matter pursued in the disciplinary tribunal during his tenure was unrelated to child sexual abuse and was unsuccessful.<sup>641</sup>

## Complaints not progressing to diocesan tribunals

We also heard evidence that in some instances in the 1990s, disciplinary measures could have been taken by dioceses against clergy by way of diocesan tribunals, but were not.

Although Daniels was deposed from holy orders in 2002, as we have discussed above, it was not the first time complaints relating to him had been received by the Diocese of Tasmania. Further, as we heard in the *Church of England Boys' Society* public hearing, a diocesan tribunal process was first considered in relation to Daniels in 1994.

Bishop Stone, who was an assistant bishop in the Diocese of Tasmania at the time, told us about meeting with BYG, a survivor of child sexual abuse by Daniels, in 1994. Bishop Stone told us that the purpose of the meeting was pastoral and it was agreed to by BYG's solicitor and the diocesan solicitors.<sup>642</sup> In the public hearing Bishop Stone told us:

I'm a pastoral person, or I try to be a pastoral person, and I was really concerned to hear what this young man had gone through. So the purpose was to – and he had no confidence in the church and I was wanting to say, 'Well, I want to make a new start with you as a representative of the church.' [BYG] had already – right from the first instance, the first telephone conversation and the follow-up from [BYG]'s solicitor, it appeared that a legal path was going to be followed and not the church's legal path, and I wanted to just explain to – well, one, to show care for [BYG], that he mattered, because at the time this would have happened he was of the same – would have been around the age of my own boys. That's the first thing. And the second is molestation in the church at the hands of a priest is such a breach of trust that so disturbed me and I felt for this young person and I wanted to say to him there was a process that was available in the church, but he'd opted for a different way.<sup>643</sup>

In May 1994, Bishop Stone confronted Daniels with BYG's allegations.<sup>644</sup> Daniels did not deny the allegations.<sup>645</sup> Bishop Stone told us that although there was sufficient evidence to proceed with a tribunal hearing if BYG would sign a statement, BYG told him that 'I don't want the Church to deal with the matter ... I will deal with the matter through my own solicitors'.<sup>646</sup>

We found that a diocesan tribunal could have been held on the basis of information that the diocese did have. The wishes of the complainant are not decisive as to whether a diocesan tribunal can proceed. It is not sufficiently compelling that the tribunal would not have proceeded because of an assistant bishop's belief that Daniels would contest the hearing and that the case would not be strong without a signed statement from the complainant.<sup>647</sup>

Bishop Newell conceded that by 1994 he had no doubt that Daniels had committed the acts of which he was accused and that Daniels did not deny them. Despite this, he did not consider whether the 'absence of a denial' would be sufficient evidence in a diocesan tribunal. A diocesan tribunal could have been convened on the basis of information the diocese did have about Daniels and a complainant's wishes are not decisive as to whether a diocesan tribunal can proceed.<sup>648</sup>

In the *North Coast Children's Home* public hearing, we heard about the responses of the dioceses of Grafton and Newcastle to the conviction in 2002 of Reverend Allan Kitchingman for child sex offences.

In 2002, Kitchingman was convicted of five counts of indecent assault of a male, survivor CH, and was sentenced to prison. CH had lived at the North Coast Children's Home, which was located in the Diocese of Grafton.<sup>649</sup>

We found that as Kitchingman's offending took place in the Diocese of Grafton, that diocese could have taken action to discipline him. Further, as Kitchingman lived in the Diocese of Newcastle before his conviction in 2002, and had lived there since his release from prison, the Diocese of Newcastle could also have taken action.<sup>650</sup>

We also found that notwithstanding that the bishops of both dioceses (Bishop Roger Herft for the Diocese of Newcastle and Bishop Keith Slater for the Diocese of Grafton) and other senior Anglican Church personnel were aware that Kitchingman had been convicted of child sex offences, neither of them started disciplinary proceedings against him under either the tribunal system or the professional standards framework.<sup>651</sup>

As discussed in Section 12.5, 'Contemporary Anglican Church responses to child sexual abuse', in mid-2014, around six months after the *North Coast Children's Home* public hearing, the Diocese of Grafton informed the Royal Commission that Kitchingman had been deposed from holy orders.<sup>652</sup>

In the *Anglican Diocese of Newcastle* case study, while there was a tribunal system available in the Diocese of Newcastle, we did not receive any evidence that any charges of child sexual abuse against any members of clergy were referred to the diocesan tribunal during Bishop Shevill's episcopate from 1973 to 1977<sup>653</sup> or during Bishop Holland's episcopate from 1978 to 1992.<sup>654</sup>

During Bishop Herft's episcopate from 1993 to 2005, no disciplinary processes were pursued against any member of the clergy in respect of whom allegations of child sexual abuse were made. In particular, Bishop Herft failed to take disciplinary action against two of the most senior priests in the diocese – the dean of the cathedral, Mr Lawrence, and the one-time Archdeacon of Maitland, Father Rushton, after he was made aware on multiple occasions of allegations that they had sexually abused children.<sup>655</sup>

## Disciplinary matters heard by diocesan tribunals

In the *Church of England Boys' Society* public hearing, we heard that complaints of child sexual abuse against Garth Hawkins and Louis Daniels were brought before diocesan tribunals. Both Hawkins and Daniels were deposed from holy orders following the tribunal hearings.

Survivor Mr Steven Fisher told us that he had approached the Diocese of Tasmania in early 2001 and disclosed that he had been sexually abused by Hawkins when he was 13 years old. Mr Fisher asked for help with paying for his university fees and for counselling. He also requested the removal of Hawkins from the Anglican Church.<sup>656</sup>

Hawkins is a convicted perpetrator of child sexual abuse and a former Anglican priest who was ordained in 1971. After his ordination, he held a number of parish priest positions in the Diocese of Tasmania until he resigned due to increased problems with alcohol use.<sup>657</sup> Although he had resigned, Hawkins remained an Anglican priest but no longer had his own ministry. He moved to Victoria to join the Avalon community in Geelong. Between 1989 and 1995 he performed locum work in the Pilbara, Western Australia.<sup>658</sup>

While Hawkins was never a member of CEBS, he had some involvement in CEBS activities in his capacity as a parish priest. He was also associated with a number of CEBS members and leaders in Tasmania, including Daniels.<sup>659</sup> In the *Church of England Boys' Society* case study we found that Daniels and Hawkins were aware of each other's sexual attraction to boys and from time to time observed each other's sexual advances to boys.<sup>660</sup>

In 2003, Hawkins pleaded guilty to, and was convicted of, 11 child sexual abuse offences against seven boys. He was sentenced to a total of seven and a half years' imprisonment with a non-parole period of four years. These convictions included offences relating to BYF, Mr Steven Fisher and BYH.<sup>661</sup> In November 2004, Hawkins pleaded guilty to, and was convicted of, a sex offence against another boy. He was sentenced to a further nine months' imprisonment.<sup>662</sup>

In 2001, Hawkins did not live in Tasmania but he continued to hold an authority to officiate in the Diocese of Tasmania. In May 2001, Bishop John Harrower, Bishop of Tasmania, interviewed Hawkins, who denied Mr Fisher's allegations against him. It would have been appropriate for Bishop Harrower to explore the question of suspending Hawkins's licence at this time.<sup>663</sup>

In June 2001, the registrar of the Diocese of Tasmania wrote to Mr Fisher to tell him that Hawkins had denied the allegations, Bishop Harrower had referred the matter to the police and any church disciplinary processes against Hawkins could not begin until police investigations had concluded. In December 2001, the registrar told Mr Fisher that there would be a diocesan tribunal process in relation to Hawkins, as the police investigation had concluded and no charges had been laid.<sup>664</sup>

By 2002, the Diocese of Tasmania had received a complaint about Hawkins from another survivor, BYF. BYF told us that he disclosed to Archbishop Aspinall, the Archbishop of Brisbane, in early 2002 that he had been sexually abused by both Hawkins and Daniels when he was involved in the Youth Synod of the Diocese of Tasmania. Archbishop Aspinall outlined the options available to BYF, including reporting the abuse to the Bishop of Tasmania.<sup>665</sup>

BYF then wrote to Bishop Harrower. In March 2002, BYF signed a statement to the effect that he had asked the diocese to investigate his allegations against Hawkins and had chosen not to go to the police. Bishop Harrower appointed a board of inquiry to determine whether BYF's allegations against Hawkins should be referred to a diocesan tribunal. The board of enquiry interviewed BYF, Archbishop Aspinall and Hawkins.<sup>666</sup>

Bishop Harrower followed the board of inquiry's recommendation to refer BYF's complaints about Hawkins to a diocesan tribunal. The diocesan tribunal dealt with the complaints of both BYF and Mr Fisher. Mr Fisher, BYF, Archbishop Aspinall and Hawkins gave evidence.<sup>667</sup>

At the diocesan tribunal, Hawkins pleaded not guilty to all charges related to BYF. In relation to Mr Fisher, Hawkins pleaded neither guilty nor not guilty, which the tribunal took to be a plea of not guilty.<sup>668</sup>

Both Mr Fisher and BYF were cross-examined by Hawkins's lawyer during the diocesan tribunal proceeding. Mr Fisher told us that it was 'like a court room' and that he was cross-examined for three hours.<sup>669</sup> BYF told us that he found the tribunal process 'extremely distressing'.<sup>670</sup> BYF subsequently sent Bishop Harrower a letter outlining a number of criticisms of the tribunal process based on his experience, including:<sup>671</sup>

- lack of communication about the formality of the processes, and miscommunication about the processes, before the date of the hearing
- Hawkins being present at the proceedings the whole time, resulting in BYF being 'required to see him' whether he wanted to or not.

In May 2002, the diocesan tribunal found eight out of 10 charges that Mr Fisher brought against Hawkins were proven. All charges of disgraceful conduct in relation to BYF were found proven. The diocesan tribunal recommended that Hawkins be deposed from holy orders. On 21 May 2002, Bishop Harrower suspended Hawkins's authority to officiate as an interim measure while he made a decision about Hawkins's sentence.<sup>672</sup>

In June 2002, Bishop Harrower told Mr Fisher and BYF that Hawkins would be deposed from holy orders. Hawkins was deposed the following day. Bishop Harrower told us in the *Church of England Boys' Society* public hearing that he accepted that the diocesan tribunal procedures had caused additional trauma to BYF.<sup>673</sup>

In 2003, Hawkins pleaded guilty to, and was convicted of, child sexual abuse offences against seven boys (including BYF, Mr Fisher and BYH). He was sentenced to a total of seven and a half years' imprisonment with a non-parole period of four years. The following year, in November 2004, Hawkins pleaded guilty to and was convicted of a sex offence against another boy. He was sentenced to a further nine months' imprisonment.<sup>674</sup>

In the same case study we heard about Daniels's deposition from holy orders following disclosures by survivor BYF. Daniels was residing in the Diocese of Canberra and Goulburn at the time of BYF's disclosure. BYF consented to the release of material concerning his complaints about Daniels to that diocese. In November 2002, Bishop Harrower formally referred BYF's complaint to the Diocese of Canberra and Goulburn. Disciplinary proceedings against Daniels commenced in that diocese under a diocesan tribunal. The diocese subsequently advised BYF that because Daniels did not contest the proceedings, BYF did not need to be involved.<sup>675</sup>



On 10 December 2002, the Diocese of Canberra and Goulburn advised Bishop Harrower in the Diocese of Tasmania that its diocesan tribunal had, by consent, recommended that Daniels be deposed from holy orders. On 13 December 2002, the then Bishop of Canberra and Goulburn, Bishop George Browning, deposed Daniels.<sup>676</sup>

#### 12.4.6 Legal assistance provided to perpetrators

In the *Anglican Diocese of Newcastle* public hearing, we heard about instances where legal assistance and support was provided to alleged perpetrators of child sexual abuse by senior figures in the Diocese of Newcastle.

James (Jim) Brown had been a youth worker and was licensed as a lay preacher in the Diocese of Newcastle until approximately 1992. Brown was born in 1950 and grew up in Kurri Kurri in the Diocese of Newcastle. Brown was a lay reader and youth group leader at the Kurri Kurri Anglican Church in the 1970s. Brown was also a youth worker for St Alban's Home for Boys. In around 1977, he was appointed to the committee of management for St Alban's Home for Boys. In 1985, Brown was licensed as a lay reader in the Weston parish.<sup>677</sup>

Mr Phillip D'Ammond resided at St Alban's Home for Boys as a child. There, he was sexually abused by Brown. In 1996, Mr D'Ammond reported the abuse by Brown to the police. Brown was charged with three offences relating to the sexual abuse of Mr D'Ammond when he was a resident at St Alban's Home for Boys from 1975 to 1977. At the committal proceedings against Brown in 1997, the charges were dismissed. Brown was represented at the committal proceedings by Mr Paul Rosser QC, the then deputy chancellor of the diocese.<sup>678</sup>

Bishop Herft was the Bishop of Newcastle at the time of the committal proceedings, having been installed in 1993. Archbishop Herft told us that before reviewing and hearing evidence in the *Anglican Diocese of Newcastle* public hearing, he was not aware of the existence of Brown or that Brown had faced committal proceedings in 1997. Archbishop Herft also told us that he was not aware at the time that Mr Rosser QC had acted as defence counsel for Brown in 1997. He said that this was something Mr Rosser QC ought to have brought to his attention. He agreed that not being aware of the criminal proceeding made it impossible for him to provide pastoral care to Mr D'Ammond.<sup>679</sup>

Mr Rosser QC told us that he did not believe his representation of Brown related in any way to his role at that time as deputy chancellor of the diocese. He accepted that a perception could have been created in the minds of the public that as an official of the Anglican Church, accepting the brief to represent Brown might appear to be putting the Anglican Church at odds with those who alleged they had been abused.<sup>680</sup>

While there was not a conflict in the duties that Mr Rosser QC owed Brown as his client and the duties that he owed the Diocese of Newcastle as deputy chancellor, we found that it should have been obvious to Mr Rosser QC that it could readily appear to outsiders that the diocese, through one of its senior officers, was defending a person accused of sexually assaulting a child in the diocese.<sup>681</sup>

This perception was one shared by the diocesan insurer. The diocesan business manager, Mr John Cleary, told us that, in around 2013, the diocesan insurer declined to pay out a claim concerning one of Brown's victims. The insurer reached this determination on the basis that, by virtue of Mr Rosser QC's representation of Brown in 1997 while deputy chancellor, the Anglican Church was effectively put on notice of the risk posed by Brown from the mid-1990s and took no steps to mitigate that risk. The insurer, at least, treated Mr Rosser QC as an agent of the Anglican Church.<sup>682</sup>

We found that it was also difficult to understand why Mr Rosser QC, as deputy chancellor of the diocese, did not bring the matter to Bishop Herft's attention. It would, clearly enough, have been a matter of considerable concern to the bishop to learn that a church volunteer had been accused of sexually abusing a child in the diocese in the past.<sup>683</sup>

In 2008, another victim of Brown reported the abuse to police. An investigation commenced and Brown was arrested and charged on 25 June 2010. On 20 April 2011, Brown pleaded guilty to 27 charges of child sexual abuse relating to 20 male victims. One of the charges related to Mr D'Ammond. Ultimately, Brown was convicted and sentenced to 20 years' imprisonment with a non-parole period of 12 years.<sup>684</sup>

We also heard in the *Anglican Diocese of Newcastle* public hearing about Father Parker, who was charged in August 2000 with child sex offences after both CKA and CKB reported their abuse to the police. Father Parker was committed to stand trial. Father Parker was represented by Mr Allen and Mr Rosser QC. Mr Allen told us that before the criminal proceedings, he was friends with Father Parker, seeing him at synod and diocesan council meetings and also socially.<sup>685</sup>

Mr Rosser QC agreed to represent Father Parker in the criminal proceedings even though it was outside the course of his ordinary work at the time at the Many Rivers Aboriginal Legal Service. In addition to his role at the time as deputy chancellor, by this time Mr Rosser QC had also been a member of the diocesan synod, a lay member of the Diocese of Newcastle's board of enquiry, and a diocesan representative at the General Synod.<sup>686</sup>

Mr Allen told us that when Father Parker asked for legal assistance, he did not give any consideration to the appropriateness of his acting for Father Parker. Mr Allen told us that he gave absolutely no consideration to whether he had any conflict in his obligations to the Diocese of Newcastle and his obligations to Father Parker as his legal representative. As a person with longstanding involvement in the Diocese of Newcastle, Mr Allen agreed that he owed the diocese a duty to protect its interests and to care for it.<sup>687</sup>

In contrast to what we heard in the *Anglican Diocese of Newcastle* public hearing, in the *Church of England Boys' Society* public hearing we heard that the Anglican Church refused to provide legal support and assistance to John Elliot. In 2001, Elliot asked the Anglican Church to assist in paying for his defence of charges (including sodomy) relating to a number of boys dating back to the 1970s when he was involved in CEBS. Bishop John Noble told Elliot that the Anglican Church would not provide assistance for his defence and that he would have to seek legal aid.<sup>688</sup>

#### 12.4.7 Pastoral responses to survivors

We heard evidence in the *Institutional review of Anglican Church institutions public hearing* from a number of bishops and other senior Anglican Church personnel about the developing understanding of child sexual abuse in the Anglican Church diocese from the 1990s through to the early 2000s. In conjunction with these developments, we heard about improvements in the Anglican Church's understanding of pastoral responses and its obligations to survivors of child sexual abuse.<sup>689</sup>

In both the *Anglican Diocese of Newcastle* and the *Church of England Boys' Society* public hearings, we heard that Anglican dioceses began to introduce more comprehensive policies and procedures for dealing with complaints of child sexual abuse throughout the late 1990s and early 2000s. This included policies in relation to pastoral responses.

For example, by 1993 the Diocese of Newcastle had implemented policies which specifically recognised the obligation of the diocese to provide pastoral support and care to parties involved in complaints of sexual misconduct against Anglican Church personnel.<sup>690</sup>

We heard that, by 1996, other Anglican dioceses had implemented policies for responding to the pastoral needs of survivors of child sexual abuse.<sup>691</sup> For example, the Diocese of Tasmania had implemented its *Principles and procedures for dealing with sexual harassment* in 1996, which specified that complainants were to be offered a support person. The Diocese of Tasmania also developed a diocesan sexual harassment response group. This group 'developed a network of support persons and a list of qualified psychologists, social workers and counsellors across Tasmania to take on referrals for continuing post-submission counselling, of which a number of persons made use'.<sup>692</sup>

As discussed in Section 12.3, at the request of the annual Bishops' Conference in April 1998, the General Secretary of the General Synod prepared a report comparing various diocesan protocols, ordinances, canons and codes of conduct in relation to the response of Anglican dioceses to allegations of sexual misconduct.

## Compassion and support for survivors

Throughout the entire ordeal, I have felt that the church has never acted fairly, compassionately or pastorally. In 1996 the Newcastle Diocese published a document titled 'Principles and Procedures for dealing with allegations of sexual misconduct'. I believe the diocese failed to meet its obligations under this policy. This matter has damaged my trust in the processes and systems the church has for victims of sexual abuse. I am still traumatised by the events.<sup>693</sup>

**Survivor, CKR**

In the *Church of England Boys' Society* public hearing, Bishop Ronald Stone gave evidence that he met survivor BYG in May 1994 for the purpose of providing pastoral support. By this time, BYG had commenced a civil claim against Daniels and the Diocese of Tasmania.<sup>694</sup> Bishop Stone told us that even though BYG had chosen a legal path for redress against the diocese, he wanted to show care to BYG and let him know that he mattered.<sup>695</sup> He said he also wanted to let BYG know about the tribunal process available in the Anglican Church.<sup>696</sup> BYG did not give evidence about the meeting with Bishop Stone.

While survivor BYF was generally critical of the Diocese of Tasmania's response to his alleged sexual abuse by Garth Hawkins, he acknowledged a positive pastoral element in the diocese's response in a letter he wrote to Bishop Harrower dated 30 August 2003. BYF wrote, 'One positive thing you have done. Appointing a support person was good. Beryl Carmichael has been excellent. Thank you for this little ray of light'.<sup>697</sup>

We also heard that some Anglican dioceses did not provide appropriate pastoral responses to survivors and other victims of child sexual abuse by Anglican Church personnel between the 1990s and 2005.

In the *Anglican Diocese of Newcastle* case study we found the actions of Anglican Church personnel in the diocese during and after criminal proceedings in 2001 against Father Parker failed to show care or consideration for CKA and CKB. Our finding was based on matters including the following:<sup>698</sup>

- The diocesan trustee, Mr Allen, acted on behalf of Father Parker in the criminal proceedings. Mr Allen did not consider whether it was appropriate to act for Father Parker given the various governance roles he held in the diocese at the time. Mr Allen accepted that, by acting for Father Parker, he may have given CKA and CKB the impression that the Anglican Church was supporting Father Parker over them.
- The deputy chancellor of the diocese, Mr Paul Rosser QC, also acted on behalf of Father Parker in these proceedings. We found that in acting for Father Parker at the time he was deputy chancellor, the inevitable impression was given that the Anglican Church was supporting Father Parker and disbelieving CKA and CKB.

- On the day that the charges against Father Parker relating to CKA and CKB were withdrawn, the diocese released a media statement which incorrectly stated that Father Parker had been ‘acquitted’ of all charges.
- In October 2001, a diocesan magazine published an article by Mr Mitchell entitled ‘Confusion over false action’. Mr Mitchell conceded that his article was neither legally correct nor factually correct and misrepresented the situation. We found that in writing this article, Mr Mitchell gave no consideration to the fact that it could reasonably be perceived by members of the public and the alleged victims that the Diocese of Newcastle, represented by its registrar, was ‘closing ranks’ in support of Father Parker.
- The diocese failed to provide pastoral care to CKA and CKB during the criminal proceedings. This was acknowledged by Archbishop Herft in the public hearing. We found that Bishop Herft failed to meet his pastoral responsibilities to CKA and CKB.

We also found that after being notified in 2002 that ordinand Ian Barrack had sexually abused survivor CKU, Bishop Herft should have taken more proactive steps to ensure that appropriate pastoral care and support were provided to CKU and his mother, CKR.<sup>699</sup>

In the *Church of England Boys’ Society* public hearing we heard that, in 1999, Dr Donald Owers (who was the rector in the Anglican parish of McGill) wrote to the Archbishop of Adelaide, Archbishop George, and proposed a number of pastoral responses to instances of child sexual abuse allegedly perpetrated by Mr Brandenburg.<sup>700</sup> Dr Owers highlighted the therapeutic benefits of a formal statement from the Anglican Church which publicly acknowledged and apologised to survivors of abuse.<sup>701</sup>

In later correspondence to Archbishop George, Dr Owers again pressed the importance of apologising to survivors. He wrote, ‘There is substantial evidence to suggest that the first step toward healing for many victims is an acknowledgement of the reality of the harm done to them’.<sup>702</sup>

We found that Archbishop George bore primary responsibility for the inordinate delay in responding to the widespread allegations that Mr Brandenburg had sexually abused boys. This delay denied appropriate pastoral support to Mr Brandenburg’s victims.<sup>703</sup>

Some senior Anglican Church personnel gave evidence that identified possible impediments to dioceses providing authentic pastoral responses. For example, in the *Church of England Boys’ Society* public hearing, Archbishop Aspinall, who was a former assistant bishop in the Diocese of Adelaide, told us that he supported Dr Owers’ request for a public statement about the abuse that named Mr Brandenburg. He said that the Diocese of Adelaide received advice from insurance brokers which may have inhibited the diocese from making the statement.<sup>704</sup>

In the same case study, Bishop George told us that, while he was the Archbishop of Adelaide, he had received legal advice not to name Mr Brandenburg because of issues relating to the diocese's insurance cover and legal liability. He said that 'far too much emphasis was given to legal liability and insurance issues' and not enough emphasis was given to pastoral care. We found that too much weight was given to legal liability and insurance issues and not enough weight was given to the need to provide appropriate pastoral support to victims who alleged they had been sexually abused by Mr Brandenburg.<sup>705</sup>

## Treatment and counselling for survivors

In the *Church of England Boys' Society* public hearing, we heard that some survivors were offered financial assistance for counselling and other professional services, such as visits to medical practitioners.

Some survivors told us that they benefited from financial support for professional services provided by Anglican Church authorities in the early 2000s. For example, survivor BYH told us that he attended a psychiatrist paid for by the Diocese of Tasmania and that he found these visits beneficial.<sup>706</sup>

In the same public hearing another survivor, BYB, told us that he was critical of an offer of financial support for medical treatment he received from the Diocese of Brisbane. BYB told us that in 2001 he sought financial assistance for therapy. The diocese agreed to cover the cost of BYB's therapy up to the value of \$500 on the condition that any notes taken during the session regarding BYB's abuse were provided to the diocese. BYB rejected this offer and continued to cover the costs of his therapy himself.<sup>707</sup>

BYB commenced a civil claim for financial compensation from the Diocese of Brisbane in 2002, which we discuss in more detail below. BYB told us:

The biggest impact of the abuse was on my self-esteem. For many years after the abuse occurred and after my dealings with the church in the 1990s, I felt that I did not stand up for myself in either context. This had a very negative impact on my sense of self-worth. I felt I had allowed the abuse to take place in the first instance, and that I had then allowed the problem to be swept under the carpet by the church.<sup>708</sup>

We heard that, before and after the introduction of a formal redress scheme in 2004, the Diocese of Sydney made some small financial payments to survivor BYC by way of pastoral assistance to help him move house and to cover health insurance expenses.<sup>709</sup>

## 12.4.8 Conclusions about early Anglican Church responses to child sexual abuse

Our consideration of the early institutional responses of the Anglican Church to allegations of child sexual abuse revealed multiple failures.

It is apparent that those people who responded to allegations of child sexual abuse during this time period often dismissed, did not believe, or minimised allegations against both clergy and lay people. This occurred in multiple dioceses. Some leaders of Anglican Church institutions who responded to complaints during this time told victims that there was nothing that they could do, suggested that victims had misinterpreted alleged perpetrators' behaviour or told victims that they should be 'forgiving' or 'let sleeping dogs lie'. Survivors told us of the devastating impacts of such responses by the leaders of Anglican Church institutions.

Senior Anglican Church personnel at times asked complainants to remain silent, in one case 'to protect the good name of the church'. We heard evidence of instances where senior personnel in the Diocese of Adelaide and the Diocese of Newcastle, including a bishop, raised the threat of potential legal action against survivors and others who made complaints. We heard that such threats had the result of dissuading complainants from reporting to the police.

Anglican dioceses began to introduce more comprehensive policies and procedures for dealing with complaints of child sexual abuse throughout the late 1990s and early 2000s, including policies in relation to pastoral responses. We heard from some survivors that they had found elements of the pastoral response of dioceses positive. However, we also heard that some Anglican dioceses did not provide appropriate pastoral responses to survivors and other victims of child sexual abuse by Anglican Church personnel between the 1990s and 2005. For example, in some instances, issues relating to insurance cover and legal liability were given more prominence than the provision of appropriate pastoral support to victims. Although some financial assistance for treatment and counselling was given, there were inconsistencies across dioceses as to the amounts paid and the conditions placed upon receiving such assistance.

In this time period, Anglican Church personnel rarely reported complaints to police or other civil authorities and, in some cases, those who made complaints to the Anglican Church were actively discouraged from taking further action. In some cases, alleged perpetrators were not reported to the police despite them having made admissions relating to child sexual abuse to a bishop. In other cases alleged perpetrators were not reported to police despite multiple allegations being made over periods of years or decades. Where policies requiring reporting to the police existed, they were not followed. One bishop acknowledged that had he gone to the police, much suffering would have been avoided.



Across the case studies discussed in this section, a common response to complaints of child sexual abuse was to allow alleged perpetrators of child sexual abuse to remain in ministry or lay involvement in Anglican Church institutions, sometimes for years or decades. We found serious errors of judgment on the part of senior leaders in the Anglican Church, including one instance where the bishop had received expert professional advice that an alleged perpetrator remained a risk to children, yet permitted him to remain in ministry. In some cases, conditions were imposed, or purportedly imposed, on alleged perpetrators. However, we found that these conditions failed to adequately mitigate the risks to children, or were not complied with. In some cases, there were further allegations of child sexual abuse made against alleged perpetrators.

At times, clergy and lay people were promoted and progressed through the ranks of Anglican Church institutions even after allegations of child sexual abuse had been made against them. In some instances clergy and lay people against whom allegations had been made were allowed to resign or retire quietly, to avoid scandal for the Anglican Church.

Disciplinary action that could have been taken against some clergy was not taken, and we heard that the disciplinary mechanism available to dioceses (that is, the diocesan tribunal system) was rarely used. Where disciplinary proceedings were held, we heard that the processes at times caused additional trauma to survivors.

The *Anglican Diocese of Newcastle* case study presented a particularly egregious example of institutional inaction which spanned many years and a number of episcopates. There was a systematic failure of the diocese to make perpetrators accountable for their conduct and a failure of leadership at the highest levels of the diocese. In that diocese, people in leadership positions provided legal advice and representation for alleged perpetrators. We heard that some survivors felt that the Anglican Church supported alleged perpetrators of child sexual abuse over victims.

We have no doubt that these inadequate responses had the cumulative effect of placing other children at risk of abuse. As acknowledged by the Anglican Church itself at a national level, this represented a significant and shameful failure by the Anglican Church.

## 12.5 Contemporary Anglican Church responses to child sexual abuse

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As discussed in Section 12.3, ‘The development of national model procedures in the Anglican Church’, and Section 12.4, ‘Early Anglican Church responses to child sexual abuse’, before 2004 there were no national policies – and limited diocesan policies – in the Anglican Church for responding to complaints about alleged perpetrators or convicted offenders of child sexual abuse.

In 2004 the General Synod of the Anglican Church recommended that dioceses adopt a professional standards framework based on its proposed Model Professional Standards Ordinance. The professional standards framework comprises a professional standards ordinance, a professional standards protocol, and a code of conduct known as *Faithfulness in service*. We set out in Section 12.3 some of the differences in the way this framework has been adopted and how it operates in each of the 23 dioceses of the Anglican Church of Australia.

In this section we consider the contemporary (that is, from the late 1990s to the present) responses of the Anglican Church institutions we examined in our case studies to allegations of child sexual abuse. This includes the responses of Anglican Church institutions during the development of the professional standards framework and following its introduction at the General Synod in 2004.

### 12.5.1 Reporting allegations to police and other authorities

As we saw in Section 12.4, early responses by Anglican Church institutions to allegations of child sexual abuse included a failure to report such allegations to the police or civil authorities.

After the introduction of the professional standards framework in 2004, dioceses have had processes in place for reporting complaints of child sexual abuse to police and child protection authorities.

The legal obligations as at mid-2017 for people in religious institutions to report to police and civil authorities are set out in Chapter 20, ‘Making religious institutions child safe’.

The professional standards framework introduced by the General Synod in 2004 does not specifically mandate reporting allegations of child sexual abuse to the police or other civil authorities. Nevertheless, it:

- requires dioceses, under their professional standards protocol, to have in place, among other things, ‘procedures for working, where necessary, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia’<sup>710</sup>

- provides that a diocesan professional standards committee has the power and duty ‘to refer any information in its possession to a member of a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia to which the information is or may be relevant’.<sup>711</sup>

In late 2014, the Professional Standards Commission established by the General Synod developed a resource for dioceses, entitled *Reporting historical child sexual abuse to the police*. This resource is intended to assist dioceses to create their own policies for reporting complaints of historical child sexual abuse to the police (in circumstances where the adult complainant does not go to the police).<sup>712</sup>

In *Reporting historical child sexual abuse to the police*, the Professional Standards Commission recommends that dioceses report all complaints of historical child sexual abuse to the police, if the police or the diocese believes there is a risk of harm to another child or adult. If a complainant does not consent to being identified, or there are health and safety concerns for the complainant, the Professional Standards Commission recommends that the diocese still report the complaint to the police but exclude any details which may identify the complainant. In recommending this approach, the Professional Standards Commission noted that it is subject to any applicable legislation (for example, section 316 of the *Crimes Act 1900* (NSW)), and emphasised the importance of the diocese informing the complainant of its approach.<sup>713</sup>

In *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)*, we heard evidence from a panel comprising directors of professional standards from around Australia:

- Lachlan Bryant, Diocese of Sydney
- Michael Elliott, dioceses of Newcastle and Grafton
- Greg Milles, dioceses of Brisbane, Northern Territory, North Queensland and Rockhampton
- Tracie Chambers-Clark, dioceses of Perth, Bunbury and North West Australia
- Claire Sargent, dioceses of Melbourne, Wangaratta, Bendigo and Ballarat.

Ms Jacqueline Dawson, the Chair of the Professional Standards Committee in the Diocese of Sydney, also gave evidence on this panel.

Each of the above professional standards directors outlined the approach to reporting allegations of child sexual abuse to police in their respective diocese(s). Mr Bryant, Mr Elliott, Mr Milles and Ms Sargent told us that the practice of their diocese(s) was to report current and historical allegations to the police with no exceptions.<sup>714</sup>

Mr Milles told us that he is required to report all allegations to the police irrespective of the complainant's consent, and to advise the complainant of his intention to report.<sup>715</sup> Mr Elliott told us that the dioceses of Grafton and Newcastle adopt a similar approach. He told us that this approach 'aligns with the obligations in New South Wales under section 316 of the Crimes Act'.<sup>716</sup>

Ms Chambers-Clark told us that particular challenges have arisen for her dioceses in relation to reporting historical allegations of child sexual abuse. She told us that their police child abuse unit has had 'very mixed responses' to historical matters. For example, there have been instances where staff of that unit have told her that the complainant had to report the matter to the police themselves. On other occasions they told her that matters would not be reported to the police because they were 'too busy with current stuff' and 'we don't want something that happened 50 years ago'. Ms Chambers-Clark told us that she has 'taken [her] own personal undertaking to report all matters regardless of when they happened'.<sup>717</sup>

## Reporting to the authorities in the Diocese of Grafton

I recall reporting the abuse to local police in or around 1977. I ran away with another boy from the [North Coast Children's] Home, [REDACTED], and we went to the police. My recollection is that the police didn't do anything about what we'd said, they just took us back to the Home. I was severely beaten after that.<sup>718</sup>

**Survivor, CB**

In *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)*, we found that, while the Diocese of Grafton reported some allegations about child sexual abuse to the authorities, there were some instances where the diocese did not report allegations in a timely manner, or at all. The allegations we examined related to historical complaints of child sexual abuse, although they were not disclosed to the Diocese of Grafton until the mid-2000s.

In 2004, the Diocese of Grafton adopted a professional standards ordinance which was based on the General Synod's Model Professional Standards Ordinance and the *Protocol for dealing with complaints of sexual abuse*.<sup>719</sup>

Under the ordinance, bishops and clergy in the Diocese of Grafton are required to report any sexual abuse allegations they receive to the diocesan professional standards committee. The professional standards committee is responsible for referring such information to the police or a child protection authority.<sup>720</sup>

Under the protocol, any person who witnesses or receives information about sexual abuse must report it to the bishop or, if that is not possible, to the director of professional standards. The bishop is required to report all allegations of sexual abuse 'immediately' to the professional standards director. However, the protocol emphasises that any allegations which concern potentially criminal conduct should be reported to the police. Both the bishop and the professional standards director are responsible for reporting allegations of sexual abuse to the police 'where that is required by statute ... or under this Protocol'.<sup>721</sup>

In August 2005, Mr Tommy Campion alleged, among other things, that while he was a resident of the North Coast Children's Home he was sexually abused by Reverend Campbell Brown and physically abused by Reverend Winston Morgan and Matron Ada Martin.<sup>722</sup> The minutes of a meeting of the professional standards committee in September 2005 noted Mr Campion's complaint and recorded that 'Further investigation of the generalised complaints against a cleric will be made'.<sup>723</sup>

In January 2006, over 40 claimants, including Mr Campion, commenced a group claim against the Diocese of Grafton. By around November 2006, Reverend Brown had moved to the Diocese of Newcastle and had resigned his licence to minister in the Diocese of Grafton. Reverend Morgan had had no involvement with the church since the ordination of women, was nearly 80 and visually impaired, and had no licence from the bishop.<sup>724</sup>

In September 2006, Reverend Patrick Comben, then the registrar of the Diocese of Grafton, summarised the details of the group claim for the bishop, Bishop Keith Slater, and the solicitor for the Diocese of Grafton. We found that Reverend Comben's summary of the allegations made in the group claim contained a number of acts that could be characterised as criminal offences. However, only some of these were referred to the New South Wales Police. Reverend Comben could not explain why he did not refer all allegations of criminal conduct relating to former residents of the North Coast Children's Home to the police.<sup>725</sup>

In December 2006, Mr Philip Gerber, the then Professional Standards Director for the Diocese of Grafton, provided the New South Wales Child Protection and State Sex Crimes Squad with statutory declarations from Mr Campion about allegations against Reverend Brown, and from former residents CL and CM about allegations against Reverend Morgan. Mr Gerber told the New South Wales Police that, if he did not hear from them within 30 days about taking any further action, the Anglican Church intended to 'continue to investigate and deal with these matters as a matter of Church discipline'.<sup>726</sup>

In January 2007, the New South Wales Police advised Reverend Comben by email that they were considering whether to investigate the allegations against Reverend Brown, Reverend Morgan and CL (who was also alleged to have been an abuser, as well as a victim, at the North Coast Children's Home). The police told him they would prefer for the diocese not to take further action if it could interfere with the police investigation.<sup>727</sup>

Mr Gerber told us that any contemplated disciplinary proceedings in the Diocese of Grafton were suspended because of this email, and that no disciplinary action had been started against Reverend Brown or Reverend Morgan since January 2007. However, Reverend Comben never followed up with the police following this email to check on the investigation's status.<sup>728</sup>

Further, at around the time of receiving the email from the New South Wales Police in January 2007, Reverend Brown made statements to Reverend Comben which he took to be an implied admission of guilt. Reverend Comben did not inform the police or make a file note of the conversation with Reverend Brown.<sup>729</sup>

From the time allegations were received against Reverend Brown until April 2013, no disciplinary action was taken against Reverend Brown by either the dioceses of Newcastle or Grafton, or against Reverend Morgan by the Diocese of Grafton. Reverend Morgan died in February 2014.<sup>730</sup>

We found that Bishop Keith Slater, then Bishop of Grafton, did not refer allegations made by CB and CC in early 2011 of criminal conduct to the professional standards committee or the director of professional standards in the Diocese of Grafton. This was inconsistent with the *Professional Standards Ordinance 2004* and the *Protocol for dealing with complaints of sexual abuse 2004*.<sup>731</sup>

Following an audit of complaints of child sexual abuse in late 2012, Ms Anne Hywood, who was appointed acting registrar of the Diocese of Grafton in January 2013, discovered that Mr Elliott, the professional standards director, had not been provided with CB's and CC's claims. Ms Hywood told us that she 'was particularly furious' as she 'really believed after 2004, when the dioceses throughout Australia adopted these ordinances and protocols, that this type of problem wouldn't happen again'.<sup>732</sup>

After Mr Elliott received relevant material from Ms Hywood in early 2013, including files for CB and CC and the schedule of 41 claims from the North Coast Children's Home, he gave scanned copies of the files to the police.<sup>733</sup>

Bishop Slater resigned in May 2013. In his media statement he acknowledged that he should have referred matters concerning child sexual abuse at the North Coast Children's Home to the professional standards director and that, by not doing so, he had failed in his duty under the protocol.<sup>734</sup>

## Reporting to authorities in the Diocese of Newcastle

The Diocese of Newcastle adopted a new professional standards protocol in March 2013.<sup>735</sup> Under the protocol, the diocese undertakes to comply with its legal obligations to report to police or to 'other appropriate authorities' any information concerning child abuse or other forms of illegal conduct. A person with a concern (including in relation to any form of child

abuse) about an Anglican Church worker (whether lay, ordained, paid, voluntary or retired) must promptly lodge the complaint with the professional standards director, who will (among other things) report the information to the police and other appropriate authorities if a child is 'at risk of harm'.<sup>736</sup>

During *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)*, Mr Elliott told us that shortly after he became the director of professional standards in 2009, Bishop Brian Farran handed him 36 envelopes and told him that they related to professional standards and complaint matters. Bishop Farran told him the envelopes had been stored in the safe in his office. We heard in the public hearing that these records were referred to as the 'yellow envelope system'. Mr Elliott said that when he reviewed the yellow envelopes, he found issues with a lot of them that concerned him. Some envelopes contained information relating to his other existing investigations. He said he reviewed the envelopes from time to time.<sup>737</sup>

Assistant Bishop Peter Stuart and Mr John Cleary, then diocesan business manager, told us that in early 2013, Mr Keith Allen revealed to each of them that past instances of child sexual abuse may not have been appropriately reported to the police. This was a consequence of the Diocese of Newcastle's past practices around handling information about child sexual abuse, including the yellow envelope system. Allegations not reported to the police included those against Father George Parker and Stephen Hatley Gray.<sup>738</sup> Mr Allen was a solicitor who had a long involvement in the governance of the Diocese of Newcastle in a lay capacity.<sup>739</sup>

Assistant Bishop Stuart told us that he was 'deeply disturbed' by what Mr Allen told him. He said this was the first time he became aware of the existence of the yellow envelopes. In February 2013, Assistant Bishop Stuart directed Mr Elliott to conduct a review of past cases of child sexual abuse in the Diocese of Newcastle. The following month, the yellow envelopes were transferred to Mr Elliott's office and incorporated into professional standards records.<sup>740</sup>

In March 2013, Assistant Bishop Stuart, together with Mr Cleary and Mr Elliott, reported the matters disclosed by Mr Allen to the New South Wales Police. We found that Assistant Bishop Stuart, Mr Cleary and Mr Elliott acted appropriately in response to Mr Allen's disclosures in early 2013, including by referring the matters to the police.<sup>741</sup> Mr Elliott provided the New South Wales Police with scanned copies of the entire yellow envelopes in 2015.<sup>742</sup>

## 12.5.2 Disciplinary processes under diocesan professional standards frameworks

In this section we set out our findings about how dioceses examined in our case studies engaged, or did not engage, in disciplinary processes under their various professional standards frameworks, after allegations or complaints of child sexual abuse had been made to Anglican Church personnel.



## Cases where disciplinary processes were not engaged

In the *North Coast Children's Home* case study, we found that the dioceses of Grafton and Newcastle did not engage their respective disciplinary processes in response to allegations of child sexual abuse relating to Reverend Allan Kitchingman.<sup>743</sup> This was despite the adoption in 2004 and 2005 of diocesan professional standards frameworks in these dioceses, which provided, among other things, for the disciplining of Anglican clergy and church workers in circumstances where they are deemed unfit to hold a licence, office or position of responsibility.<sup>744</sup> As discussed in Sections 12.3 and 12.4, in 2004 the diocesan professional standards framework largely supplanted the tribunal system, which previously had been the formal process (described in diocesan disciplinary ordinances)<sup>745</sup> for disciplining clergy.

Kitchingman was convicted in 1968 and again in 2002 for child sex offences. During that period, Kitchingman worked at the North Coast Children's Home in the Diocese of Grafton and later in other dioceses. He retired to the Diocese of Newcastle in 2000.<sup>746</sup> After his release from prison for the 2002 conviction, Kitchingman continued living in Newcastle and worshipped at the cathedral.<sup>747</sup>

We found that both dioceses could have taken disciplinary action against Kitchingman but neither had done so by late 2013 and there was no clear system in place to determine which diocese would assume responsibility. In particular, we found that Bishop Keith Slater, who was Bishop of Grafton from 2003 to 2013, was aware during this period that Kitchingman had been convicted of child sex offences yet failed to start disciplinary proceedings against him. Bishop Slater accepted that he had the authority to do so (which would have been under the *Clergy Discipline Ordinance* from 2003, and the *Professional Standards Ordinance* from 2004). He said that his failure to commence disciplinary proceedings was 'an oversight'.<sup>748</sup>

It was only in mid-2014, around six months after the public hearing in the *North Coast Children's Home* case study, that the Diocese of Grafton contacted the Royal Commission to advise that Kitchingman had been deposed from holy orders.<sup>749</sup>

As mentioned in Section 12.5.1, 'Reporting allegations to police and other authorities', above, we also found that the dioceses of Grafton and Newcastle failed to take disciplinary action against Reverend Brown, who was named as a sexual offender in a group claim against the Diocese of Grafton in 2006 relating to the North Coast Children's Home. Further, the Diocese of Grafton also did not report the conduct of Reverend Brown, who had moved to the Diocese of Newcastle in around late 2006, to the professional standards committee in the Diocese of Newcastle.<sup>750</sup> The Diocese of Grafton also failed to take disciplinary action against Reverend Morgan, another named perpetrator in the group claim.<sup>751</sup>

As discussed above, the Diocese of Grafton suspended any contemplated disciplinary proceedings against either Reverend Brown or Reverend Morgan after it referred these matters to the police in late 2006. However, from that time until at least April 2013, neither had been the subject of disciplinary proceedings.<sup>752</sup>

When asked why he did not recommence the disciplinary process against Reverend Brown, Bishop Slater, who was the Bishop of Grafton from 2003 to 2013, told us that the diocese was 'distracted in other ways'.<sup>753</sup>

## Cases where disciplinary processes were engaged

In the Anglican Diocese of Newcastle public hearing, we heard about the protracted disciplinary process which followed CKH's complaint in October 2009 that he had been sexually abused as a child by members of clergy and a lay person.

On 3 October 2009, CKH submitted a detailed letter of complaint to the Diocese of Melbourne alleging that he was sexually abused as a child by Mr Andrew Duncan, Mr Graeme Lawrence and Mr Gregory Goyette. Additionally, he said he had sex as a 19-year-old with Mr Bruce Hoare and Mr Lawrence in the presence of Father Graeme Sturt and a 17-year-old boy. These acts were said to have occurred in the Diocese of Riverina in the early 1980s, when all the men (except for Mr Goyette, a lay person) were clergy in the Anglican Church.<sup>754</sup>

Each man moved at different times in the 1990s to the Diocese of Newcastle. At the time of CKH's complaint, Mr Lawrence, Mr Hoare and Father Sturt held permissions to officiate in the Diocese of Newcastle. Mr Duncan did not hold a permission to officiate but was living within the diocese. Mr Goyette was involved in the diocese as a lay person.<sup>755</sup>

Mr Goyette has been Mr Lawrence's partner since around 1975. He lived with Mr Lawrence at St Alban's Church in Griffith and later at the Cathedral in Newcastle when Mr Lawrence was the dean. Mr Goyette was involved with the Anglican Church as a lay person, including as an organist and choirmaster. He is a teacher by profession.

On 7 October 2009, CKH's complaint was forwarded to Mr Michael Elliott, the Professional Standards Director of the Diocese of Newcastle. Mr Elliott immediately reported the matter to the New South Wales Police.<sup>756</sup>

Between about 9 and 13 October 2009, and pending an investigation, Bishop Farran, then Bishop of Newcastle, withdrew Mr Lawrence's permission to officiate in the diocese and stood down Mr Goyette, Mr Hoare and Father Sturt from their roles in the diocese. Mr Lawrence was also suspended from his locum position in the Diocese of Wangaratta by the Bishop of Wangaratta.<sup>757</sup>

Bishop Farran also wrote to the Bishop of Bendigo, since Mr Hoare had been offered employment there. Bishop Farran advised that Mr Hoare's licence had been suspended due to allegations of inappropriate behaviour. The offer of employment to Mr Hoare was withdrawn.<sup>758</sup> We found that Bishop Farran took adequate interim steps upon receipt of CKH's complaint.<sup>759</sup>

We also found that, after Bishop Farran decided to take interim measures against Mr Lawrence, Mr Hoare, Father Sturt and Mr Goyette pending disciplinary proceedings, Bishop Farran experienced a backlash from elements within the diocese. This backlash included the making of complaints about Bishop Farran to the then primate of the Anglican Church and to the Episcopal Standards Commission.<sup>760</sup> We discuss this in more detail in Section 12.5.4, ‘Support for respondents during disciplinary processes’, below.

In early August 2010, the New South Wales Police advised the Diocese of Newcastle that no charges would be laid and that the diocese was free to commence its own investigation. Shortly after, the professional standards committee authorised further investigation of CKH’s complaint, which Mr Elliott conducted.<sup>761</sup>

Mr Elliott wrote to each respondent about the allegations that had been made and sought their initial response.<sup>762</sup> Mr Lawrence, through his solicitor Mr Woodward, denied each of the allegations but otherwise did not cooperate in the investigation. Mr Lawrence said he did not apply for financial assistance from the diocese, as he did not wish to have anything to do with the diocese.<sup>763</sup>

It is worth noting that Mr Lawrence occupied key positions in the early disciplinary framework in the diocese, and was involved at a national level in developing the professional standards framework that the diocese then implemented. However, Mr Lawrence refused to submit himself to the new professional standards framework when a complaint was made against him.<sup>764</sup>

The professional standards board conducted public hearings into the allegations against Mr Lawrence, Father Sturt, Mr Goyette and Mr Duncan in December 2010.<sup>765</sup> Except for procedural requests, the respondents, save for Father Sturt, all elected not to participate in the hearings. Father Sturt participated through counsel to a limited extent, seeking for the matter to be heard in private, and withdrawing when that application was declined.<sup>766</sup>

Mr Elliott told us that each of the respondents was offered the opportunity to appear at the hearing and ‘significant opportunity’ to place material before the board. The Supreme Court of New South Wales also found in its later judgment on this issue that ‘ample opportunity had been afforded to the plaintiffs’ to provide their version of events.<sup>767</sup>

On 15 December 2010, the professional standards board upheld the allegations in each case and recommended that the clergy be deposed from holy orders and that Mr Goyette be permanently banned from holding any position within the diocese. The professional standards board announced these findings publicly.<sup>768</sup>

On 16 December 2010, Mr Lawrence and Father Sturt commenced proceedings in the Supreme Court of New South Wales to quash the determinations and recommendations of the professional standards board. They asserted that the professional standards framework was invalid and they had not been afforded procedural fairness. The Supreme Court dismissed the action in April 2012. The court found that the professional standards framework was valid under the Anglican Church's Constitution and that Mr Lawrence and Father Sturt had not been denied procedural fairness.<sup>769</sup>

On 4 July 2012, the professional standards board held a hearing in relation to the allegations against Mr Hoare. He declined to appear or provide any evidence. On 5 July 2012, the professional standards board upheld the allegations and recommended that Mr Hoare be deposed from holy orders.<sup>770</sup>

The recommendations of the professional standards board are not binding on the bishop (or other person or body having administrative authority to license, appoint, authorise, dismiss or suspend a church worker). The bishop has the discretion as to whether to follow the recommendations.<sup>771</sup>

During the public hearing, Bishop Farran told us that he considered there was 'really huge potential of conflict of interest' in the framework established under the Model Professional Standards Ordinance, which leaves the ultimate discretion and responsibility with a bishop. He said 'I think that to act totally with integrity, you are subjected to huge pressures, and I think that that needs to be removed'.<sup>772</sup>

Bishop Farran agreed that he had a very long friendship with Mr Lawrence. However, he said he could not excuse himself from making a decision on the professional standards board's recommendations because only the diocesan bishop could take action. He said he was not aware of any mechanism to give his decision-making power to someone else.<sup>773</sup>

We explore issues in relation to conflicts of interest in Section 12.6, 'Contributing factors in the Anglican Church'. On 10 September 2012, Bishop Farran deposed Mr Lawrence and Mr Hoare. Bishop Farran did not depose Father Sturt as recommended. Instead, he suspended Father Sturt's licence to minister for five years. Mr Duncan complied with a request to relinquish his holy orders on 6 August 2012, and no further disciplinary action was taken against him. Bishop Farran permanently banned Mr Goyette from holding any lay office.<sup>774</sup>

Following their disciplinary action, Mr Lawrence and Mr Goyette became members of the Newcastle Parish of Adamstown.<sup>775</sup> We set out our findings about the risk management procedures implemented for Mr Lawrence and Mr Goyette in Section 12.5.5, 'Risk management', below.

### 12.5.3 Disciplinary processes against lay people

In *Case Study 36: The response of the Church of England Boys' Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys' Society)*, we inquired into the response of the Church of England Boys' Society (CEBS) to allegations of child sexual abuse made against lay people or clergy involved in or associated with CEBS. We examined the historical and contemporary responses to those allegations of abuse by the dioceses of Tasmania, Adelaide, Sydney and Brisbane. We found that there have never been any formal child protection, complaint handling or risk management policies within CEBS at either a state or a national level. Instead, CEBS leaders were subject to the general policies of the diocese in which the particular CEBS branch fell.<sup>776</sup>

The harshest discipline for a lay CEBS leader was to have their CEBS leader warrant revoked and to no longer be permitted to participate in CEBS activities.<sup>777</sup> Awards issued to CEBS leaders by the national coordinating body of CEBS could also be revoked. National awards were revoked for a number of perpetrators of child sexual abuse who had been involved in or associated with CEBS, including Mr Robert Brandenburg in 2004, Louis Daniels in 2005 and John Litton Elliot in 2009.<sup>778</sup>

In the same case study, we examined the steps taken by the Diocese of Sydney in response to Simon Jacobs's criminal convictions for child sexual abuse offences in 2011. As we set out in Section 12.4, for many years Jacobs was a lay CEBS leader at CEBS branches in the Diocese of Sydney. He was convicted in 2011 of a large number of sexual offences against six boys and was sentenced to an overall term of imprisonment of nine years. Jacobs was released on parole in September 2016.<sup>779</sup>

In 2011 Mr Glenn Murray, the then Director of Professional Standards in the Diocese of Sydney, concluded that Jacobs had offended under the *Discipline Ordinance 2006* and recommended that he be banned from any further ministry within the Anglican Church.<sup>780</sup>

As at the time of the public hearing in January 2016, the professional standards committee had not adopted or implemented this recommendation.<sup>781</sup> In August 2016, one month before Jacobs was released from prison on parole,<sup>782</sup> the Diocese of Sydney issued a prohibition order against Jacobs under the *Discipline Ordinance 2006*. Archbishop Glenn Davies, Archbishop of Sydney, told us in the *Institutional review of Anglican Church institutions* public hearing that a prohibition order is the strongest sanction available under the *Discipline Ordinance 2006* for a lay person.<sup>783</sup>

Archbishop Davies told us that this order indefinitely prohibits Jacobs from holding any office or position within the Diocese of Sydney or with any Anglican Church body or Anglican Church authority, whether employed or voluntary, paid or unpaid or as a contractor performing services. He also said that all rectors and regional bishops in the diocese were notified of the prohibition order and its terms.<sup>784</sup>

## 12.5.4 Support for respondents during disciplinary processes

This section sets out our findings in the *Anglican Diocese of Newcastle* public hearing regarding the support provided by senior personnel and key office holders within the Diocese of Newcastle to alleged perpetrators and respondents to professional standards complaints after 2004. We did not receive any evidence in our other case studies about the provision of support for alleged perpetrators and respondents to professional standards complaints after 2004.

### Support provided to respondents in professional standards processes

As discussed in Section 12.3, the Model Professional Standards Ordinance provides that dioceses implement a protocol for handling complaints. Among other things, the protocol sets out the process for dealing with respondents to a complaint, including:<sup>785</sup>

- informing respondents of rights, remedies and relevant procedures available to them
- assisting or supporting, as appropriate, respondents
- dealing fairly with respondents.

The Diocese of Newcastle adopted a protocol in 2005. However, Assistant Bishop Peter Stuart told us in the *Anglican Diocese of Newcastle* public hearing that there was a general assumption in the diocese that no such protocol existed. From around 2010, Assistant Bishop Stuart drafted updates to a new protocol, in consultation with the professional standards director for the dioceses of Newcastle and Grafton and others. It was adopted by the diocesan council in the Diocese of Newcastle in March 2013.<sup>786</sup>

Bishop Gregory Thompson's evidence in the *Institutional review of Anglican Church institutions* public hearing was that the Diocese of Newcastle provided support to respondents before the adoption of its new protocol in early 2013. Bishop Thompson, who was Bishop of Newcastle from February 2014 to May 2017, said in a statement that:

Since 2009 respondents [to complaints] have been offered both an appropriate support person and independent psychological counselling by the Director of Professional Standards and some have taken up that opportunity. A child sex offender is also offered specialised offender counselling.<sup>787</sup>

Bishop Thompson told us that, in 2010, Bishop Brian Farran appointed a chaplain to respondents. However, this proved to be impractical and unsuccessful, particularly 'because of the perception that the Chaplain remained aligned to the Diocese', so the position was abandoned after a short period of time.<sup>788</sup>

## Support provided in criminal proceedings

What upset me during the court process was that Ian [Barrack] had a support person from the church, but the church didn't support me or Mum. It felt like a slap in the face. The church later made contact through Mum, but only after she rang the Bishop directly and had a go at him.<sup>789</sup>

**Survivor, 'CKU'**

Ian Barrack, a long-time worshipper at the Newcastle Cathedral, commenced as an ordination student at St John's Theological College, Morpeth, in early 1997. However, in late 1998, the diocese refused Barrack's ordination and he left the college.<sup>790</sup>

In May 2006, Barrack pleaded guilty to one count of sexual intercourse with a child, CKU. In September 2006, Barrack was sentenced to two years' imprisonment with a non-parole period of 12 months.<sup>791</sup>

CKU's mother, CKR, told us that Mr Paul Rosser QC attended one of the days of the court proceedings against Barrack. Mr Rosser QC told us he had attended on one day to observe, and had done so in his role as deputy chancellor at Bishop Farran's request. CKR told us she later emailed Bishop Farran about this but Bishop Farran denied arranging for Mr Rosser QC to attend. We did not hear evidence from Bishop Farran about this matter.<sup>792</sup>

CKR told us that Reverend Wayne Sheean, who had also given character evidence, supported Barrack at his sentencing hearing in August 2006. After the sentencing hearing, CKR contacted Bishop Farran and Mr Gerber to enquire about the presence of Reverend Sheean at court in support of Barrack. Both Bishop Farran and Mr Gerber denied that Reverend Sheean was representing the diocese and said he was present only in a private capacity. We did not hear evidence from Reverend Sheean about this matter.<sup>793</sup>

CKU told us 'it felt like a slap in the face' for the Anglican Church to provide support people for Barrack, but only make contact with CKU after his mother had rung the bishop and 'had a go at him'. We found that the Diocese of Newcastle failed to provide timely and consistent pastoral care and support to CKU and CKR during Barrack's criminal proceedings.<sup>794</sup>

## Response of lay people to professional standards processes

We found in the *Anglican Diocese of Newcastle* case study that there was a faction of key diocesan office holders and a cohort of lay people largely connected to the Newcastle Cathedral who were critical of the professional standards processes in the diocese. We also found that members of these groups were deeply loyal to those about whom complaints were made, particularly Mr Graeme Lawrence, and that such loyalty appears to have been based on personal friendships and longstanding pastoral relationships.<sup>795</sup>



We found that Bishop Brian Farran, who was Bishop of Newcastle from June 2005 to December 2012, experienced a backlash from elements within the diocese following his decision in late 2009 to take interim measures against Mr Lawrence and others pending disciplinary proceedings, and his decision to make public in 2010 the allegations that Father Peter Rushton was a perpetrator of child sexual abuse. This backlash included the making of complaints about Bishop Farran to the primate of the Anglican Church and the Episcopal Standards Commission, the Anglican Church body responsible for disciplining bishops.<sup>796</sup>

In the group's complaint in June 2011 to the Episcopal Standards Commission, they stated, among other things, that:<sup>797</sup>

- Bishop Farran had intimidated and harassed Mr Lawrence
- Bishop Farran had brought the diocese into disrepute with his media commentary on allegations of child sexual abuse perpetrated by Father Rushton and other matters before the professional standards committee.

Mr Robert Caddies was a member of this group and had a long involvement in the governance of the diocese in a lay capacity. Mr Caddies gave evidence that he was, and remains, friends with Mr Lawrence and donated money to help fund Mr Lawrence's Supreme Court challenge of the disciplinary process initiated by the diocese against him.<sup>798</sup>

Other members of this group included Mr Simon Adam, Mr Christopher McNaughton, Mr John McNaughton AM and Mr Laurie Tabart.<sup>799</sup> Many members had previously held office in one capacity or another in the Diocese of Newcastle and were connected to the Newcastle Cathedral.<sup>800</sup>

In addition to making separate complaints to the Episcopal Standards Commission in 2011, some members of this group of parishioners told the *Newcastle Herald* newspaper about their concerns. The newspaper then reported in June 2013 that the parishioners had alleged that Bishop Farran was on an 'anti-gay witch-hunt'.<sup>801</sup>

Mr Caddies, Mr John McNaughton AM and other parishioners also made complaints in 2016 against Bishop Thompson to the metropolitan of New South Wales, the primate and the Royal Commission following Bishop Thompson's decision to go public about the sexual abuse that he says he suffered at the hands of Bishop Ian Shevill and another senior member of clergy in the 1970s.<sup>802</sup> Bishop Shevill was the Bishop of Newcastle from August 1973 to September 1977.<sup>803</sup>

In their letters of complaint, the group stated, among other things, that Bishop Thompson had 'besmirched' the good name of Bishop Shevill and that Bishop Shevill's behaviour may have been 'misinterpreted'. They criticised Bishop Thompson for publicly disclosing his experience of abuse and for appealing to victims to come forward.<sup>804</sup>

Bishop Thompson told us that when he became aware of these letters, he felt publicly shamed and intimidated and also felt a 'deep sense of betrayal'. Bishop Thompson said that these letters formed part of a pattern or practice of public harassment, intimidation and vandalism which he and his staff experienced at the hands of people within the diocese who were aggrieved by his leadership and the discipline of clergy.<sup>805</sup>

Mr Caddies told us that he and the other signatories 'were desperately unhappy about the problems in the diocese', including the 'unfair' treatment of clergy. He said that Bishop Thompson's approach of publicly disclosing his experience of abuse to the media had 'a negative impact on the Anglican community' and damaged the 'good reputation' of Bishop Shevill. Former Lord Mayor of Newcastle Mr John McNaughton AM expressed similar sentiments and described Bishop Thompson's conduct as 'disgraceful' and 'scandalous'.<sup>806</sup>

We did not accept Mr Caddies's explanation of the purpose of the letters. We found that the letters corroborated Bishop Thompson's account of the 'pro-perpetrator' culture within a section of the community attending the cathedral in the Diocese of Newcastle. We found that these complaints were designed at least in part to discourage the diocese from dealing with allegations of child sexual abuse. We also found that those who targeted Bishop Thompson failed to understand or respond appropriately to the sexual abuse of children.<sup>807</sup>

## Culture within the Diocese of Newcastle

We found that a deep cultural division had emerged in the Diocese of Newcastle from 2009 which centred upon the professional standards processes applied to clergy within the diocese, including Mr Lawrence. We were also satisfied that while the professional standards regime had been introduced into the diocese in 2005, no culture supportive of that framework had embedded itself within the diocese.<sup>808</sup>

This was evident in the backlashes experienced by Bishop Farran and Bishop Thompson, which included the making of complaints against them. We found that these actions were designed at least in part to discourage the diocese from dealing with allegations of child sexual abuse.

Mr Michael Elliott, the diocese's Professional Standards Director, gave evidence that within the diocese there were groups of influential Anglican Church members who would launch reprisals against actions perceived to threaten the clergy. In response to Mr Elliott's work on professional standards, he believes, he has been subject to isolation, bullying, under-resourcing and vandalism. He said he had received harassing phone calls and text messages.<sup>809</sup>

Bishop Farran told us that there were 'really big issues' in the culture of the diocese and pointed to a lack of professionalism in terms of supervision of the clergy; a 'very paternalistic culture' of 'Father knows best'; and a strong culture of non-accountability, where people felt they could do what they wanted and the bishop should turn a blind eye. Bishop Farran also told us that a

limited number of people had long-term membership of various diocesan bodies over the years, and that created difficulties. He thought that it was ‘very difficult for people to challenge each other in those circumstances, because they had such lengthy and solid connections’.<sup>810</sup>

Mr Cleary said that there was a ‘pro-respondent culture with no apparent consideration for the victims’, which was deeply ingrained in the diocese.<sup>811</sup>

Bishop Farran told us that Mr Lawrence had a strong and loyal following in the Newcastle Cathedral. In his view, people had become ‘dependent’ upon Mr Lawrence.<sup>812</sup> Bishop Farran said that the ‘vehemence of the Lawrence supporters concerned me in conducting my pastoral responsibilities of promoting harmony and the practice of Christian faith in the Diocese’.<sup>813</sup>

Bishop Farran’s observations were supported by the evidence of Mr Caddies. Mr Caddies, one of Mr Lawrence’s backers and one of those who supported complaints against Bishop Farran, told us that he did not think due process was followed with respect to Mr Lawrence. However, despite being a solicitor for several decades, Mr Caddies was not able to articulate how in fact Mr Lawrence had been denied due process.<sup>814</sup>

Mr Caddies ultimately conceded that it was ‘pretty hard’ to say Mr Lawrence was denied natural justice in all the circumstances. Mr Caddies also said it was ‘very unwise’ that Mr Lawrence had not participated in the disciplinary process. Mr Caddies told us that most people did not know what the allegations were against Mr Lawrence at the time but ‘they found it hard to believe’. There was also a perception that Mr Lawrence had been ‘unfairly treated’. He said that Mr Lawrence had been their priest for 24 years and ‘people had a very high regard for him’.<sup>815</sup>

Assistant Bishop Stuart gave evidence that he had ‘significant negative engagement with the Cathedral community’ in relation to Mr Lawrence. He said there was a continued resistance within that community to accepting the findings of misconduct made in respect of Mr Lawrence. He said they have been a ‘really harsh’ group and that he had never had to work with a group as ‘difficult and as intractable and as hurtful’ as this group of people.<sup>816</sup>

### 12.5.5 Risk management

Safety issues arise where there is a person whose presence constitutes a risk of sexual abuse to others in the parish community (referred to as a ‘person of concern’).

In this section we discuss the initiatives which have been implemented at a national and diocesan level to manage such risks. As illustrative examples, we outline the risk management approaches taken by the Diocese of Newcastle and the Diocese of Canberra and Goulburn to persons of concern.

In September 2009, the Professional Standards Commission published *Guidelines for parish safety where there is a risk of sexual abuse by a person of concern*.<sup>817</sup> This is a resource intended to assist Anglican clergy and church workers responsible for safe ministry to address safety issues that arise regarding persons of concern and to take steps to protect the parish community from the risk of harm.<sup>818</sup> At the outset, the guidelines highlight the need for clear boundaries where a person of concern is seeking new or continued involvement in a parish, both to protect children and vulnerable adults and to reduce the possibility of the person of concern being wrongly accused of abuse or being tempted to abuse.<sup>819</sup>

Central issues addressed by the guidelines include:<sup>820</sup>

- processes for identifying a person of concern
- assessing when a parish will be ready to receive that person (necessitating the involvement of the director of professional standards)
- establishing appropriate boundaries, including first undertaking a risk assessment of the person of concern to determine whether the person poses a risk of harm to children and/or other vulnerable people and subsequently discussing and reaching a consensus with the person on the terms of their involvement
- the formalisation of any arrangement reached with a person of concern by entry into an agreement (a template for which is provided in appendix 6 to the guidelines)
- communicating information to the parish in consultation with the director of professional standards
- the provision of pastoral support to, and supervision of, the person of concern.

## Risk management in the Diocese of Newcastle

Assistant Bishop Peter Stuart told us in the *Anglican Diocese of Newcastle* public hearing that it was not until September 2013 that the Diocese of Newcastle adopted its own *Safe ministry policy*.<sup>821</sup> The *Safe ministry policy* applies to:

- any person who would not be given a Working With Children Check clearance
- any person who was the subject of certain adverse findings by a disciplinary tribunal such as the professional standards board<sup>822</sup>
- any person against whom the professional standards committee had made an adverse risk assessment.<sup>823</sup>

One of the key requirements of the *Safe ministry policy* is that a 'Safe Worship Agreement' is to be signed by the parish priest and finalised before the person of concern may be involved in parish activities. As a 'safety policy', the parish priest is required to adhere to and enforce this requirement. Safe worship agreements contain restrictions on the person's involvement in

parish life. The types of restrictions vary according to the seriousness of offending. For example, the agreement may specify which services the person may attend, where they may sit, and whether they may hold any parish leadership roles.<sup>824</sup>

If the person of concern refuses to enter into a Safe Worship Agreement, the bishop may issue directions to the parish priest regarding that person's involvement in the parish. Assistant Bishop Stuart told us that it is not uncommon for persons of concern to refuse to sign these agreements.<sup>825</sup>

We found in the *North Coast Children's Home* case study that there was no formal mechanism in the Diocese of Newcastle to manage any risk posed by Kitchingman's involvement in the Newcastle Cathedral before it adopted the *Safe ministry policy* in October 2013.<sup>826</sup> Assistant Bishop Stuart told us that he had only become aware in August 2013 that Kitchingman was an offender living in the Diocese of Newcastle, and, following the adoption of the *Safe ministry policy*, he took steps to apply it to Kitchingman.<sup>827</sup>

We also found in the *Anglican Diocese of Newcastle* case study that there was a delay in implementing formal risk management strategies in relation to Mr Lawrence and Mr Goyette. As mentioned in Section 12.5.2 above, in late 2012, following protracted disciplinary processes, Mr Lawrence was defrocked and Mr Goyette was banned from holding any lay positions in the Diocese of Newcastle.

Since around 2009, Mr Lawrence and Mr Goyette have been parishioners at St Stephen's, Adamstown, in the Diocese of Newcastle.<sup>828</sup> At the time of the hearing, the rector of St Stephen's was Reverend Christopher Bird. Reverend Bird told us that he instituted an 'informal' management process for the continuing worship of Mr Lawrence and Mr Goyette at St Stephen's after he learned of the outcome of their disciplinary processes in 2012.<sup>829</sup>

Assistant Bishop Stuart gave evidence that after the *Safe ministry policy* was implemented in the diocese in September 2013, he met Reverend Bird (in October 2013) to outline the policy and his expectations of Reverend Bird.<sup>830</sup> However, it was only in November 2014 that Reverend Bird provided the professional standards director, Mr Elliott, with a 'Safe Ministry Practice' document that he had signed but which did not require the signatures of Mr Lawrence and Mr Goyette. The document stated that Reverend Bird 'shall do all that I can to ensure' certain expectations of Mr Lawrence and Mr Goyette while participating in parish life.<sup>831</sup>

Mr Lawrence told us that Reverend Bird had discussed the proposed agreement with him, and he had indicated to Reverend Bird that he would not sign such an agreement as it could be construed as an 'admission of guilt'. Further, Mr Lawrence told us that he had never seen the 'Safe Ministry Practice' document, and that he was not aware of what commitments Reverend Bird had made in respect of him. We found that Reverend Bird was slow to implement a formal risk management plan in relation to Mr Lawrence and Mr Goyette. We also found that the plan eventually implemented was not very effective because its details were not made known to Mr Lawrence.<sup>832</sup>

## Diocese of Canberra and Goulburn

In the *Institutional review of Anglican Church institutions* public hearing, we received evidence from Bishop Stuart Robinson, Bishop of Canberra and Goulburn, on the issue of risk management of persons of concern.<sup>833</sup>

The diocese's approach generally has been to adopt canons of the General Synod related to child protection, unless there has been a higher standard required within the diocese.<sup>834</sup> Over the past five years, the diocese has moved to a 'safe ministry' model including prevention, early intervention, response and recovery guidelines which aim to protect all vulnerable people, including children.<sup>835</sup> The diocese has in place a *Protocol for safe ministry to persons of concern* (most recently updated in 2015 to conform to legislative requirements).<sup>836</sup>

As we discuss in Section 12.4, Louis Daniels was a priest in the Anglican Church and a prominent member of CEBS in Tasmania and at a national level. He was convicted of child sexual abuse offences in 1999.<sup>837</sup> He was subsequently deposed from holy orders in December 2002. Daniels later pleaded guilty to further offences in 2005.<sup>838</sup>

Bishop Robinson told us that upon Daniels's release from custody in 2012, he returned to worship in a parish in the Diocese of Canberra and Goulburn. The diocese developed a safety plan for Daniels's worship at the parish and Daniels has entered into a safety agreement with the diocese on an annual basis since 2012. The agreement imposed a number of conditions on Daniels, including that he does not accept nomination for election to any leadership office in the Anglican Church, that he does not have contact with minors at social events, and that a member of his support group has 'eyes on' Daniels at all times while he is on Anglican church premises or involved in church activities.<sup>839</sup>

### 12.5.6 Institutional responses to victims and survivors after the development of national model procedures

As set out in Section 12.3, in 2004 the Anglican Church in Australia proposed uniform policies and procedures for responding to complaints of child sexual abuse against clergy and lay people, through the professional standards framework.

Despite this development, it remains the case that, to date, each diocese has been responsible for the development, adoption and implementation of its own redress processes. The Anglican Church has never had a national redress scheme. Anglican dioceses have had divergent approaches to redress, with no uniform approach to the payment of monetary compensation. Some individual dioceses have created redress schemes specific to their dioceses to provide pastoral support and practical assistance, including monetary payments, to people who have been abused.

In this section, we first set out what we heard in the *Anglican Diocese of Newcastle* and the *North Coast Children's Home* case studies about the manner in which the Diocese of Newcastle and the Diocese of Grafton handled complaints of child sexual abuse under their respective complaint handling and professional standards frameworks.

We then consider what we have heard about the approach to redress in the Anglican Church. We set out the data relating to redress presented in our report *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia* (Anglican Church complaints data).<sup>840</sup> This report is the result of the survey of all 23 Anglican Church dioceses regarding complaints of child sexual abuse received by Anglican Church dioceses.<sup>841</sup> The Anglican Church complaints data shows that, of the 1,119 reported complaints, 472 complaints of child sexual abuse resulted in a payment being made following a complaint that sought redress (42 per cent of all complaints).<sup>842</sup>

Through our case studies we heard about the responses of various dioceses in Australia to claims for redress in relation to child sexual abuse. We outline some examples of the redress schemes operating in Anglican dioceses, including those in the dioceses of Grafton, Sydney, Newcastle, Tasmania, Adelaide and Brisbane. We describe survivors' experiences of making claims to dioceses under these schemes, including survivors' evidence about some of the issues they encountered with these schemes.

Finally, we consider the evidence heard in our *Institutional review of Anglican Church institutions* public hearing regarding the management of claims against dioceses through civil litigation processes. As part of this discussion, we consider in some detail the response of the Diocese of Grafton to a group claim and individual claims in relation to sexual and physical abuse experienced by former residents of the North Coast Children's Home in Lismore, New South Wales.

## Responses to survivors under complaint handling processes

Whilst I initially felt that the Diocese believed me, and was prepared to assist me, it appeared to me by that stage that they were not as willing to help. I felt like they were becoming more resistant as more people came forward with claims of abuse. To me, it seemed that the Anglican Church began denying what had happened and I felt that I was being accused of lying about my experiences in the [North Coast Children's] Home.<sup>843</sup>

**Survivor, CA**



As discussed in Section 12.3, in 2004 the General Synod recommended that all dioceses adopt a professional standards framework such as that set out in the proposed Model Professional Standards Ordinance. The term ‘professional standards framework’ includes a diocese’s professional standards ordinance, its associated protocol, and the code of conduct such as *Faithfulness in service*. Anglican dioceses have adopted the professional standards framework to varying degrees.

The Model Professional Standards Ordinance<sup>844</sup> provides that dioceses should have procedures for receiving complaints and for appointing contact persons, and ‘provision for assisting or supporting, as appropriate, all persons affected by alleged conduct the subject of information’.<sup>845</sup> In the *Institutional review of Anglican Church institutions* public hearing, we heard that the role of professional standards directors in responding to complainants differs across dioceses.<sup>846</sup> However, most professional standards directors are responsible for providing or organising support for the complainant.<sup>847</sup> For instance, we heard that Mr Lachlan Bryant, the Professional Standards Director of the Diocese of Sydney, was responsible for receiving complaints,<sup>848</sup> while support was normally provided by the professional standards chaplain.<sup>849</sup> We also heard that the role of the professional standards director differs in each diocese in respect of training and investigations.<sup>850</sup>

In the *Anglican Diocese of Newcastle* public hearing, we heard how survivor CKH’s complaint of sexual abuse against Mr Lawrence and others was handled under the Diocese of Newcastle’s professional standards framework. Further detail about CKH’s complaint and the response of the Diocese of Newcastle is set out in Section 12.5.2, ‘Disciplinary processes under diocesan professional standards frameworks’.

CKH’s complaint was investigated and managed by Mr Michael Elliott, Professional Standards Director in the Diocese of Newcastle, under the diocese’s *Professional Standards Ordinance 2005*. CKH told us, ‘Michael was blunt in manner but I grew to really trust him, and saw that he was concerned and passionate about my case. I was impressed at the degree of independence he was given by the church to investigate my complaints’.<sup>851</sup>

CKH said that he had ‘full praise’ for how Mr Elliott and other Anglican Church personnel responded to his complaint. He stated, ‘From the time I approached the church there was no one in an official position who doubted my story. The reactions I received were shock and horror which I would expect. Everyone I dealt with was supportive in their comments to me’.<sup>852</sup>

Mr Elliott, together with Mr John Cleary, the diocesan business manager, provided appropriate support to survivors of child sexual abuse (including CKH) and assisted them with their claims of redress against the Diocese of Newcastle. We further found that Mr Michael Elliott played an instrumental role in uncovering the extent of the problem of child sexual abuse within the Diocese of Newcastle.<sup>853</sup>

In the *North Coast Children's Home* case study, we found that the Diocese of Grafton had not responded to members of a group claim in accordance with its obligations under its professional standards framework.<sup>854</sup> The group claim commenced in 2006 and related to claims of abuse (including sexual and physical abuse) by former residents of the North Coast Children's Home.<sup>855</sup>

In November 2006, the professional standards committee of the Diocese of Grafton considered the group claim. The committee minutes record that it dealt only with disciplinary matters arising from the group claim and police reports. We found that the professional standards committee did not take any steps to ensure the complainants would receive pastoral care and assistance.<sup>856</sup> However, in December 2006, the diocesan lawyer wrote to Mr Simon Harrison, the lawyer for the group claim, stating that the Anglican Church was willing 'to consider providing some limited pastoral care and assistance to your clients to assist them on their journey through the hurt that they feel ... [but] this pastoral care and assistance will of necessity be limited in scope as the Church has limited resources'.<sup>857</sup>

Mr Peter Roland, the lawyer for the diocese, told us that he believed there was no obligation to follow the *Professional Standards Ordinance 2004* and the associated *Protocol for dealing with complaints of sexual abuse* for claims relating to the North Coast Children's Home, because the Diocese of Grafton had no legal liability. Mr Harrison agreed that Mr Roland had not invited him to apply to the professional standards director on behalf of any of his clients.<sup>858</sup>

Bishop Keith Slater acknowledged publicly in 2013 that the claims alleging sexual abuse in the North Coast Children's Home 'should have been concurrently managed in accordance with the Professional Standards Ordinance and Protocol'.<sup>859</sup> We found that the Diocese of Grafton's approach meant that the professional standards committee was not performing its functions to investigate, arrange conciliation or mediation, and authorise spending to implement the ordinance or protocol, including for counselling.<sup>860</sup>

After the group claim was settled in March 2007, further complainants came forward with complaints of abuse at the North Coast Children's Home.<sup>861</sup> Two of these complainants, CB and CC, wrote separately to the Diocese of Grafton in 2011.<sup>862</sup> Neither CB's nor CC's letters were referred to the professional standards committee or the professional standards director, as required under the *Professional Standards Ordinance 2004* and the *Protocol for dealing with complaints of sexual abuse*. Bishop Slater agreed during the public hearing that he should have referred both CB and CC to the professional standards director for pastoral support, including counselling, claim facilitation and proper redress.<sup>863</sup>

Ms Anne Hywood, who had been appointed acting registrar of the Diocese of Grafton in January 2013, forwarded the letters from CB and CC to Mr Elliott in February 2013. Ms Hywood told us that the whole process for handling such claims had been compromised:

I was particularly furious. I had worked very hard in my role as executive officer in the Diocese of Adelaide on a number of sexual abuse claims and matters and working with others to develop Healing Steps. I had been elected as a member of the general [synod] standing committee on the national church, the Anglican Church of Australia, and had dedicated a lot of my time, effort and energy to ensuring that the Anglican Church in Australia had appropriate protocols. And I really believed after 2004, when the dioceses throughout Australia adopted these ordinances and protocols, that this type of problem wouldn't happen again.<sup>864</sup>

In May 2013, Ms Hywood gave the primate, Archbishop Phillip Aspinall, a report outlining her concerns about the Diocese of Grafton's handling of child sexual abuse claims over the previous six years. Archbishop Aspinall, Bishop Slater and Martin Drevikovsky, then General Secretary of the General Synod of the Anglican Church of Australia, met to discuss Ms Hywood's report. Archbishop Aspinall suggested that, if Ms Hywood's report was true, it was 'untenable' for Bishop Slater to continue as Bishop of Grafton.<sup>865</sup> Bishop Slater resigned on 17 May 2013. He issued a media statement on the Diocese of Grafton's management of claims that said:

I acknowledge that I was responsible for ensuring full compliance with the Protocol and that I failed in this duty. Some matters dealing with sexual abuse at the North Coast Children's Home were not referred to the Professional Standards Director as they should have been ...

I apologise to those complainants who were not given access to the Professional Standards Director. I also acknowledge that, by not referring these matters, the Professional Standards Director was not provided with information that could have assisted ongoing internal and Police investigations.<sup>866</sup>

We also heard how the Diocese of Grafton was concerned about the potential financial impost of claims against it. Despite its knowledge of potential claims by 2005, the Diocese of Grafton did not make provision for settling child sexual abuse claims in its annual budgets for 2006, and 2008 to 2012 or provision for professional standards matters.<sup>867</sup>

Archbishop Aspinall acknowledged in the *North Coast Children's Home* case study that an auditing scheme for professional standards procedures in dioceses might help dioceses apply professional standards more effectively and uniformly.<sup>868</sup> We discuss the need for regular reviews and audits to ensure that institutions are properly implementing complaint handling processes in both Section 12.6 and Chapter 20, 'Making religious institutions child safe'.

## Data relating to redress

As discussed in Section 12.2, 'Private sessions and data about child sexual abuse in the Anglican Church', we conducted a survey of all 23 Anglican Church dioceses to gather data about the extent of complaints of child sexual abuse received by Anglican Church dioceses. The report of the survey, *Analysis of complaints of child sexual abuse received by Anglican Church dioceses in Australia* (Anglican Church complaints data), includes information about outcomes for complainants who sought redress.<sup>869</sup>

In the Anglican Church complaints data, a 'complaint' includes an accusation of child sexual abuse made to an Anglican Church diocese.<sup>870</sup> This includes accusations made by a victim, or a victim's representative, to an Anglican Church diocese relating to allegations of child sexual abuse.<sup>871</sup> 'Redress' is defined in the Anglican Church complaints data as a remedy or compensation provided to a victim of child sexual abuse, which can include:<sup>872</sup>

- financial compensation
- provision of services
- recognition
- apologies.

Redress may be sought legally (as in seeking compensation through a civil claim), formally from the Anglican Church via a formal redress scheme, or informally from the Anglican Church, such as seeking acknowledgement of the abuse and/or an apology. Redress processes as outlined above include complaints that sought redress that are ongoing, settled or concluded without redress.<sup>873</sup>

Overall, 1,085 complainants alleged incidents of sexual abuse in 1,119 reported complaints to Anglican Church dioceses (some complainants made a complaint of child sexual abuse against more than one Anglican Church diocese).<sup>874</sup>

Of the 1,119 reported complaints, 472 complaints of child sexual abuse resulted in a payment being made following a claim for redress.<sup>875</sup> Twenty-five per cent of complaints resulted in an apology from an Anglican diocese and 3 per cent of complaints resulted in an apology from an Anglican institution.<sup>876</sup> Of those complaints that resulted in a monetary payment, 46 per cent of monetary payments were made through an 'other' redress process; 36 per cent were made through a redress scheme and 23 per cent were made through civil proceedings.<sup>877</sup>

Anglican Church dioceses made total payments of \$34.03 million, at an average of approximately \$72,000 per payment in response to complaints of child sexual abuse received between 1 January 1980 and 31 December 2015 (including amounts for monetary compensation, treatment, legal and other costs).<sup>878</sup>

The Diocese of Brisbane reported both the highest total payment and the largest total payments (a total of \$10.68 million paid in relation to 145 payments, at an average of approximately \$74,000 per payment).<sup>879</sup> Of the Anglican dioceses that made at least 10 payments, the Diocese of Newcastle had the highest average total payment at \$183,000. Table 16.13, from the Anglican Church complaints data, shows the breakdown of payments by diocese.<sup>880</sup>

**Table 16.13 – Payments by diocese**

Diocese	Number of payments	Complaints	Percentage of complaints resulting in payments (%)	Total payments (\$ million)	Average payment (\$)
Brisbane	145	371	39	10.68	74,000
Adelaide	91	155	59	6.35	70,000
Melbourne	28	96	29	1.21	43,000
Sydney	58	89	65	3.37	58,000
Newcastle	25	67	37	4.57	183,000
Tasmania	34	56	61	2.23	66,000
Perth	7	46	15	0.51	73,000
Grafton	31	37	84	2.06	66,000
Ballarat	15	27	56	0.60	40,000
Canberra and Goulburn	2	28	7	0.10	48,000
North Queensland	11	26	42	0.75	68,000
Bathurst	3	18	17	0.30	100,000
Northern Territory	3	13	23	0.07	23,000
Rockhampton	7	10	70	0.11	15,000
Gippsland	4	13	31	0.15	38,000
Wangaratta	2	9	22	0.23	113,000
The Murray	3	5	60	0.36	120,000
<b>Total</b>	<b>472</b>	<b>1,119</b>	<b>42</b>	<b>34.03</b>	<b>72,000</b>

The five Anglican Church dioceses who made either one or no payments in relation to complaints received a total of 41 complaints, of which three resulted in a payment. These payments ranged from \$60,000 to \$250,000. These Anglican Church dioceses are the dioceses of Armidale, Bendigo, Bunbury, Riverina and North West Australia.<sup>881</sup>

Of all redress processes, the highest total amount of monetary payment was through civil proceedings (\$12.74 million). The highest average monetary payment paid was through civil proceedings only (approximately \$116,000 per complainant).<sup>882</sup>

Complaints involving alleged perpetrators who were lay people had the highest proportion resulting in payments (50 per cent), the highest total payments (\$23.17 million) and the highest average payments (approximately \$77,000).<sup>883</sup>

As we set out in Section 12.2, one of the limitations of the survey was that each of the 23 Anglican Church dioceses in Australia has different governance arrangements in relation to parachurch, out-of-home care and educational institutions. Some dioceses require associated institutions such as schools to report complaints to the diocese, which then manages the complaint. In other dioceses, complaints relating to associated institutions are not managed by the diocese. Accordingly, in those dioceses, complaints relating to associated institutions will only appear on diocesan records if the complainant themselves took the matter to the diocese (usually due to dissatisfaction with the response of the associated institution) or if the associated institution was required to report complaints to the diocese under specific governance arrangements.

During the *Institutional review of Anglican Church institutions* public hearing we heard that some institutions associated with the Anglican Church have established separate redress schemes from those administered by Anglican Church dioceses, although they may be modelled on the diocesan scheme. For instance, Reverend Dr Andrew Ford, General Manager, Mission & Partnerships, Anglicare Sydney, told us:

We have a redress scheme that operates in parallel to the redress scheme of the diocese. It has been in operation for the same length of time as the redress scheme of the diocese and it has the three components that were identified by the Commission in their report with regard to redress and civil litigation. So counselling and other services are provided, financial assistance is provided, and a direct response to the survivor, including an apology.<sup>884</sup>

Bishop Dr Chris Jones, Chief Executive Officer, Anglicare Tasmania and Chair of Anglicare Australia, told us that Anglicare Tasmania's scheme was modelled on the scheme of the Diocese of Tasmania.<sup>885</sup> Reverend Professor Peter Sandeman, Chief Executive Officer of AnglicareSA, told us about an agreement that AnglicareSA has with the Diocese of Adelaide. He told us that there is 'a very firm memorandum of understanding with the diocese so that all abuse that happened in children's homes, up until our separate incorporation in the year 2000, is managed by the diocese but funded by Anglicare'.<sup>886</sup>

As a result, complaints and redress payments relating to social welfare organisations may or may not be reflected in the Anglican Church complaints data. For a complaint to be included in the survey responses, it must have been managed by the diocese. Accordingly, payments managed by the Diocese of Adelaide but funded by AnglicareSA may be included; however, complaints managed by Anglicare Sydney may not.

## Apologies

In 2013, I attended mediation with the Anglican Diocese. There was a barrister, lawyer and the Church's business manager there and no one would even look at me in the room, they all had their eyes down. The Anglican Diocese gave me financial compensation. It was never about the money for me though, it was about the apology from the Church. I had to remind them about the apology after it finished. It was a written apology and it didn't feel heartfelt.<sup>887</sup>

**Survivor, Phil D'Ammond**

Shortly before and since the introduction of the national model professional standards framework, some senior Anglican Church personnel have apologised publicly and privately to survivors of child sexual abuse.

Between 2002 and 2003, a number of public apologies were made by senior Anglican Church personnel to survivors of child sexual abuse:

- On 26 July 2000, the day after his installation as Bishop of Tasmania, Bishop John Harrower made 'an unreserved apology to those who were abused by clergy or other officers of the Anglican Church in Tasmania'.<sup>888</sup>
- On 20 September 2002, Archbishop Aspinall in the Diocese of Brisbane wrote an open letter to the victims of sexual abuse by John Elliot, apologising on behalf of the Anglican Church and offering pastoral support.<sup>889</sup>
- On 15 March 2002, the Standing Committee of the General Synod publicly apologised to all those who had suffered child sexual abuse.<sup>890</sup>
- On 25 May 2003, Archbishop Ian George issued a pastoral letter to be read or distributed to all congregations on that day. On behalf of the diocese, he expressed his regret that people who sought help from the Anglican Church may not have received the help they needed or expected.<sup>891</sup>
- In December 2003, Bishop Harrower wrote a letter of apology to the victims of Garth Hawkins, after Hawkins was sentenced for child sex offences against multiple victims.<sup>892</sup>



We also heard evidence of some senior Anglican Church personnel personally apologising to survivors for abuse they had suffered. For example, we heard that Bishop Harrower visited survivor BYH in July 2003. At BYH's request, Bishop Harrower removed his 'dog-collar'. BYH said that Bishop Harrower apologised and BYH felt that it was a sincere apology.<sup>893</sup>

In the *Church of England Boys' Society* public hearing we heard that Archbishop Dr Peter Jensen gave a handwritten apology to survivor BYC after reading BYC's police statement. We also heard that Archbishop Dr Jensen subsequently met with BYC in person. BYC told us 'I met with Archbishop Jensen where he apologised in person. I actually think he was genuine and wanted to help'.<sup>894</sup>

In May 2005, Ian Barrack pleaded guilty to one count of sexual intercourse with a child aged between 10 and 16 years, CKU.<sup>895</sup> We explore CKU's experience in seeking redress from the Diocese of Newcastle in relation to his experience of abuse by Barrack later in this section. In addition to financial compensation, CKU also sought redress through a written and public apology from the diocese. CKU told us:

On 3 September 2009, I received a written apology from Bishop Brian Farran, the Bishop of Newcastle, in relation to my abuse, but it was not a public apology ... The apology was important to me. The apology provided me with some sense of 'closure'. Throughout the compensation process I felt like the Anglican Church fought very hard to avoid responsibility and deny their 'duty of care'. An apology from the church was an acknowledgement that they were in the wrong. I was happy to receive it.<sup>896</sup>

In October 2010, Bishop Farran issued a media release about Father Peter Rushton, an alleged perpetrator of child sexual abuse in the Diocese of Newcastle who died in 2007. The media release stated in part:

Following his death, significant allegations and information of concern has been brought forward in relation to Fr. Peter's involvement in the sexual abuse of minors.

...

The Bishop wishes to publicly apologise to any person adversely affected by these deeply regrettable events and urges any persons with any information about such matters to come forward and speak with the Anglican Diocese of Newcastle's Professional Standards Director.<sup>897</sup>

Bishop Farran told us that he considered it important to go public about the allegations in order to honour the victims who had been traumatised, to ensure transparency in the community and to invite other victims to come forward. Bishop Farran told us that some people in the Diocese of Newcastle were 'furious' with him for publishing the media release which 'defamed the dead [Father Rushton]'.<sup>898</sup> Bishop Farran said that he experienced repercussions because of it, including the making of complaints against him, which we discuss in Section 12.5.4 above.

Survivor CKA told us that Bishop Farran's apology to survivors of abuse by Father Rushton on 19 October 2010 reignited enormous pain and prompted him to write to Bishop Farran to request an apology in relation to his own alleged abuse. We set out CKA's experiences of sexual abuse by Father George Parker and the response of the Diocese of Newcastle in Section 12.4. At a meeting in December 2010, Bishop Farran apologised to CKA for the abuse he suffered at the hands of Father Parker.<sup>899</sup>

After this meeting, Bishop Farran issued a public apology to CKA on behalf of the diocese. Bishop Farran acknowledged that after reporting abuse by a member of the diocese, CKA and his family had been treated inappropriately over an extended period of time by the diocese. Bishop Farran told us that, given CKA had previously been trivialised in the public domain by the diocese, he felt that a public statement was important to recognise how CKA had been mistreated. CKA told us that he had waited 35 years to receive this apology from the Diocese of Newcastle.<sup>900</sup>

In June 2015, Bishop Farran's successor as the Bishop of Newcastle, Bishop Thompson, publicly apologised to all survivors of child sexual abuse by Anglican Church personnel. As with Bishop Farran's public apology to survivors of abuse by Father Rushton, Bishop Thompson told us that as part of his apology he invited victims of abuse to come forward and report their experience of abuse:

My apology in June 2015 was given with the invitation for survivors and witnesses to come forward and provide statements. The media statement was issued and the website Face the Past and Shape a Healthy Future was established to encourage people to report directly to the NSW Police, the Royal Commission, and the Director of Professional Standards.<sup>901</sup>

Following this public apology, in August 2015, two members of the clergy in the Diocese of Newcastle told the diocesan synod of their own experiences of sexual abuse when they were children. Their stories were subsequently published in the *Anglican Encounter*, a diocesan publication. Bishop Thompson said that the disclosures of the two men profoundly impacted the diocesan synod as they realised the survivors had been part of the Anglican Church community and had also lived with the trauma of child sexual abuse. Bishop Thompson said the response to the men's revelations in the main was overwhelming support.<sup>902</sup>

Shortly after these disclosures, in October 2015, Bishop Thompson publicly disclosed his own story of abuse in an article in the *Newcastle Herald*. Bishop Thompson's disclosure, however, was not met with the same overwhelming support. As mentioned above, we found Bishop Thompson experienced a backlash from sections within the Diocese of Newcastle following his public disclosure of his alleged abuse. This backlash included groups of Anglican Church members sending letters of complaint about Bishop Thompson to the Royal Commission, the primate of the Anglican Church, and the metropolitan of New South Wales. We found that the actions of those involved in the backlash were designed, at least in part, to discourage the Diocese of Newcastle from dealing with allegations of child sexual abuse.<sup>903</sup>

We also heard evidence in two of our case studies which concerned schools affiliated with the Anglican Church about apologies given to survivors who came forward to disclose sexual abuse while they were students at those schools. These case studies were *Case Study 20: The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school (The Hutchins School)* and *Case Study 34: The Response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse (Brisbane Grammar School and St Paul's School)*. While the institutional response of Anglican dioceses to allegations of child sexual abuse at The Hutchins' School and St Paul's School (Brisbane Grammar School is a non-denominational school) was not the primary focus of these case studies, we nevertheless heard evidence about the responses of Anglican diocesan personnel, including bishops, to survivors of child sexual abuse from those two schools.

In *The Hutchins School* public hearing we examined the response of The Hutchins School to allegations of child sexual abuse against David Ralph Lawrence and Lyndon Alfred Hickman. We also examined the role and influence of the Diocese of Tasmania in The Hutchins School's response to allegations of child sexual abuse made by survivors who had been students at the school.

In that public hearing, we heard that the then Bishop of Tasmania, Bishop Harrower, exercised some influence in how The Hutchins School responded to allegations of child sexual abuse made by former students.<sup>904</sup> Under the *Christ College Act 1926* (Tas), which governs The Hutchins' School, the Bishop of Tasmania is appointed as 'Visitor' to the school with certain functions as prescribed by the act and at common law. Bishop Harrower described to us in the public hearing that the role of 'Visitor' also encompassed the role of 'culture bearer', where his role was to ensure that the culture of the school reflected the Anglican Church's values and to provide guidance to the board of management on those values.<sup>905</sup>

Survivor AOA approached Bishop Harrower in 2002 regarding his complaint of sexual abuse by former headmaster David Ralph Lawrence. AOA told us that he thought that Bishop Harrower might be able to facilitate an apology from the school and would be able to influence the school and hold it accountable.<sup>906</sup> In 1993, AOA disclosed his allegations of abuse by Mr Lawrence to then headmaster Dr John Bednall and a Hutchins' School Old Boys' representative.<sup>907</sup> Bishop Harrower told us that he had some power of influence and moral authority over the school but not structural power to compel the school to take particular steps.<sup>908</sup>

In March 2002, Bishop Harrower wrote to AOA to advise he had no power to deal with AOA's dispute with the school, but in the same letter he also wrote:

I wish to express my sincere and deep regret at any abuse which you have suffered. From the beginning of my time as Bishop of Tasmania I have sort [sic] to deal justly and compassionately with all complaints relating to abuse within the life of the Diocese of Tasmania.

The pain experienced by survivors of sexual abuse is traumatic to say the least. I have found it most disturbing to sit with survivors of such abuse and hear their stories of suffering.<sup>909</sup>

AOA told us that all he ever wanted from the school was a face-to-face acknowledgment that he was abused when he was a student at the school and a genuine, heartfelt apology. AOA said that it was clear to him that the school did not even believe that the abuse occurred or, even worse, that it believed that he was to blame for the abuse because he continued to have contact with Mr Lawrence after the abuse ended.<sup>910</sup>

Although he first disclosed the abuse in 1993, it was not until some 21 years later that AOA received an apology from The Hutchins School.<sup>911</sup> We found that the failure by the board of management over the years to acknowledge to AOA that he had been sexually abused by the former headmaster, Mr Lawrence, and to apologise for that abuse, materially contributed to AOA's distress and suffering. We also found that the board of management of the school was motivated by a concern to avoid damaging publicity that it perceived might result from an apology to AOA, rather than a concern for the truth about what occurred and compassion for AOA.<sup>912</sup> AOA told us that:

I believe that if I had received recognition in 1993 from the school when I first reported that I was abused and an apology, it would have been a significant step in my road to recovery and would have expedited this process. Instead, I have been trying for nearly the best part of 20 years to try and seek my own resolution to this issue.<sup>913</sup>

In the same case study, we heard that in 2000, survivor AOB first disclosed his experience of abuse at the school by Mr Lyndon Hickman to the independent pastoral inquiry into allegations of abuse by priests in the Diocese of Tasmania, which had been established in 1997 by Bishop Newell (the Tasmanian Inquiry). AOB told us that he thought the Tasmanian Inquiry might be able to provide him with information about the circumstances of Mr Lawrence's departure from the school, and that he thought this information would help him understand the context in which the abuse by Mr Hickman occurred and whether his experience of abuse at the school was an isolated occurrence or part of a wider pattern of abuse.<sup>914</sup>

AOB met with a counsellor from the Tasmanian Inquiry who told him that his experience of abuse did fall within the scope of the inquiry but suggested that she could help him meet with the then headmaster of the school, Mr William Toppin. That meeting did not eventuate.<sup>915</sup> AOB communicated with the school over the following years seeking information about why Mr Lawrence had left the school, and he disclosed to the school in 2009 that he had been sexually abused when he was a student there in the 1960s. In October 2011, at a meeting between the then headmaster Mr Warwick Dean and AOB, Mr Dean offered an apology to AOB for the abuse he had experienced at the school.<sup>916</sup> AOB told us:

Mr Dean opened the meeting by offering me an apology for abuse experienced at the School (even though I had not discussed the exact circumstances of the abuse with him).

Mr Dean also made an apology for the School's response to my request for information in relation to Lawrence's departure. Mr Dean offered me compensation in relation to counselling expenses.

I responded by accepting his apology but restated that I had never required or requested an apology or compensation; that all I had ever required was information as to the reasons why Lawrence had left the School.<sup>917</sup>

We found that Mr Dean had acted compassionately and consistently with the school's values when apologising in 2011 to AOB for his experience of abuse.<sup>918</sup> The school, though, did not give AOB all of the relevant information that it had available about Mr Lawrence's resignation (and did not do so until 2014).<sup>919</sup> By 2013, AOB contacted the Diocese of Tasmania to obtain its assistance in obtaining further information from the school because it was an Anglican school. AOB said that he thought that the Anglican Church might be able to help hold the school accountable for what had happened. Ultimately, a meeting was arranged in August 2013 between Bishop Harrower, the chancellor of the Diocese of Tasmania, and Mr Dean. Bishop Harrower told us that he was again using his 'Visitor' role to meet with the headmaster and chancellor to 'think through' AOB's complaint.<sup>920</sup>

In the *Brisbane Grammar School and St Paul's School* public hearing, we examined the response of St Paul's School, Brisbane, to allegations of child sexual abuse made against two employees of the school, Gregory Robert Knight and Kevin Lynch. St Paul's School is owned by the Corporation of the Synod of the Diocese of Brisbane.<sup>921</sup> We do not discuss the response of Brisbane Grammar School to allegations of child sexual abuse made against Kevin Lynch during his employment at that school in this volume, because Brisbane Grammar School is a non-denominational school not affiliated with the Anglican Church.

Knight had trained as a teacher in South Australia. After an inquiry by that state's Department of Education in 1978 into allegations that Knight had sexually abused a number of boys at a high school, he was dismissed. The dismissal was later rescinded and Knight was permitted to resign.<sup>922</sup>

Knight moved to Queensland and, after allegations were made against him in October 1980 during his employment at Brisbane Boys' College as a music teacher, he was dismissed. He was then employed as a teacher at St Paul's between 1981 and 1984.<sup>923</sup> During that time, allegations were made that he sexually abused a number of students, including BSG.<sup>924</sup> In October 1984, the then headmaster, Gilbert Case, gave Knight the option of resigning or being sacked, and accepted his resignation. Mr Case wrote Knight a favourable reference.<sup>925</sup>

Knight was charged with and convicted of the sexual abuse of survivor BSG in 2004.<sup>926</sup> BSG told us that, in relation to civil action he took against the Anglican Church:

I would point out that for me, my actions weren't about getting an apology – I received plenty of pale platitudes from various sources within the church over the time – it might make the apologising individual feel better about the terrible neglect, but it doesn't really mean anything to me, especially when it comes from some faceless official, who wasn't even connected to the whole affair, just mouthing the words.<sup>927</sup>

Mr Kevin Lynch commenced employment at Brisbane Grammar in 1973. Initially he was employed as a teacher. In 1976, he was appointed to the role of school counsellor. He remained employed in that role until 1988, when he left the school.<sup>928</sup> We heard evidence that, during the period of Mr Lynch's employment at Brisbane Grammar, Mr Lynch sexually abused a large number of students.<sup>929</sup>

In 1989, after he left Brisbane Grammar, Mr Lynch started working at St Paul's as the school counsellor. He remained in that position until 1997.<sup>930</sup> Former students of the school told us that Mr Lynch had sexually abused them while he was employed at St Paul's.<sup>931</sup>

In 1996, two students – BSB and BRC – made complaints to Mr Case, the then headmaster of St Paul's, about Mr Lynch sexually abusing them.<sup>932</sup> Mr Case made a phone call to Mr Lynch and discussed the allegations.<sup>933</sup> After the phone call Mr Case told BRC and BSB that they were lying and threatened to punish them if they persisted with the allegations.<sup>934</sup>

On 22 January 1997, while Mr Lynch was still employed as the school counsellor, the Queensland Police Service charged Mr Lynch with nine counts of offences committed against a St Paul's student, BSE. The following day, Mr Lynch suicided.<sup>935</sup>

BSB told us that in the period after he disclosed his alleged sexual abuse by Mr Lynch, he was asked what the school could do to help him. He told us that 'My answer was always, "I would like an apology in writing". I never received one, not even a verbal apology'.<sup>936</sup> Another student, BSE, told us that he felt that 'the way St Paul's and the Anglican Church dealt with this was unacceptable, and made things worse for me. They had little respect and obviously were more focused on covering up for their actions/failures than helping me'.<sup>937</sup>

In November 2015, the Diocese of Brisbane announced that it would introduce a policy to refund the school fees of all former students who had experienced sexual abuse in Anglican schools in the diocese.<sup>938</sup>

## Diocese-based redress schemes

We are very much looking forward to more information about the [Commonwealth redress] scheme and hope that those faith institutions involved in having input into its design will raise some of the issues of concern to ensure that the scheme, as it is designed to respond to Commonwealth institutions, is also a scheme that we can very much consider opting-in to and providing national consistency.<sup>939</sup>

**Anne Hywood, General Secretary of the General Synod of the Anglican Church**

The Anglican Church is yet to adopt a national redress scheme. To date, each diocese has been responsible for the development, adoption and implementation of its own redress processes and, as we have seen above, institutions such as Anglicare in the various states have had either their own, or no, redress scheme.

The Anglican Church considered a national redress scheme at the same time the professional standards framework was being introduced in the early 2000s. The Sexual Abuse Working Group of the Standing Committee of the General Synod was formed to develop the professional standards framework in 2002–03. The Sexual Abuse Working Group concluded that:

Inconsistency of approach can only serve to aggravate an already difficult situation with a victim. The public perception is of one indivisible Church. The Roman Catholic experience is that multiple compensation schemes inevitably attract criticism. While the question of compensation may well form part of a mediation or conciliation, it is helpful to have standard principles on which the question will normally be approached.

This is an area where more work needs to be done in developing a national approach. We are conscious that several dioceses are already in the course of developing such schemes, and that experience should be harnessed and coordinated.<sup>940</sup>

In 2009, the Professional Standards Commission of the General Synod of the Anglican Church put forward *Principles for a scheme which provides pastoral care and assistance to those who have been sexually abused by clergy or church workers*.<sup>941</sup> The Standing Committee of the General Synod adopted these principles by resolution in October 2009 and subsequently shared them with the 23 dioceses.<sup>942</sup> The principles provide that a voluntary scheme should include the following nine elements:

1. an application form that includes details of the financial, medical and personal consequences of the abuse;
2. the establishment that the complainant is encompassed by the scheme;
3. the offer of counselling and ‘emergency’ assistance up to an agreed financial limit (where this has not already been offered);



4. the appointment of a support person (where this has not already been provided);
5. the investigation and determination of the complaint (where this has not already occurred);
6. the independent assessment of the financial and other care and assistance to be provided (up to a set limit);
7. the assessment must be fair and enable the person to speak with the assessor;
8. the assessment should permit the provision of expert medical or other advice at the request of the assessor or the diocese;
9. the offer to the person who has been abused of the care and assistance package which, if accepted, (after giving the person the opportunity to obtain legal advice) will result in the signing of a deed of release which will not contain any confidentiality clause.<sup>943</sup>

One consequence of diocese-based redress schemes is the possibility of inconsistent outcomes for people seeking redress from Anglican dioceses.

Following the *Institutional review of Anglican Church institutions* public hearing in March, the General Synod adopted the *Redress for the Survivors of Abuse Canon 2017* which authorises Standing Committee to establish a corporate entity. The purpose of the corporate entity will be to co-ordinate and manage redress for survivors of child sexual abuse by being the body which engages with the Commonwealth redress scheme on behalf of Anglican dioceses and associated institutions. The entity will otherwise provide redress to survivors ‘who are unable or willing’ to engage with the Commonwealth scheme.<sup>944</sup> We discuss a national approach to redress in the Anglican Church in Chapter 22, ‘Redress and civil litigation for survivors of child sexual abuse in religious institutions’.

In this section we set out examples of the redress schemes operating in dioceses throughout Australia: those of the dioceses of Tasmania, Sydney, Grafton, Newcastle, Adelaide and Brisbane.

### **Pastoral support and assistance scheme in the Diocese of Tasmania**

In the *Church of England Boys’ Society* case study we heard that in May 2003, the Diocese of Tasmania established a *Pastoral support and assistance scheme*.<sup>945</sup> Survivors Steve Fisher, BYH, BYF and Mr David Gould told us that they each received payments under this scheme.<sup>946</sup> We also heard in *The Hutchins School* public hearing that the school adopted the *Pastoral support and assistance scheme* in 2014 as part of its *Policy for dealing with complaints received by adults of sexual abuse whilst attending the school*.<sup>947</sup>

Applications for financial assistance under the Diocese of Tasmania’s scheme can be lodged once an allegation of sexual misconduct is substantiated either by court proceedings or by the professional standards board.<sup>948</sup> In May 2015 the cap on financial compensation under this scheme increased from \$60,000 to \$75,000.<sup>949</sup>

Under the *Pastoral support and assistance scheme*:

- A complainant is provided with a support person.
- Grants of pastoral support and assistance are then made on the recommendation of an independent assessor.<sup>950</sup>
- Payments are made in exchange for a deed of release.<sup>951</sup>

### **Pastoral care and assistance scheme in the Diocese of Sydney**

Before the introduction in 2004 of a *Pastoral care and assistance scheme* in the Diocese of Sydney, the professional standards unit could make payments, usually between \$1,000 and \$3,000, to survivors 'to help alleviate hardship'.<sup>952</sup> This continued after the introduction of the *Pastoral care and assistance scheme*, and the scheme provides for claimants to be offered counselling, an apology and a payment in line with specified amounts.<sup>953</sup> The cap on payments under the scheme is \$150,000 as at March 2017.<sup>954</sup>

Under the *Pastoral care and assistance scheme*, the Diocese of Sydney made a commitment that its response to claimants would incorporate a number of elements. These include pastoral care, counselling, apology, dealing appropriately with perpetrators and financial assistance. As a first response, claimants are contacted by the diocesan chaplain for victims, who is responsible for ensuring that victims of child abuse or sexual misconduct receive ongoing pastoral care and support. Claimants are also offered counselling with an independent practitioner selected by the claimant from an agreed panel of providers.

Any person who makes a claim or allegation of child abuse or sexual misconduct by an Anglican Church worker is eligible to apply to the *Pastoral care and assistance scheme*. If an applicant accepts an offer of financial assistance under the scheme, they are required to release the diocese from any further claims. However, in 2014, all forms of confidentiality restrictions in deeds of release for claims under the scheme were removed.<sup>955</sup>

### **Pastoral care and assistance scheme in the Diocese of Grafton**

In the *North Coast Children's Home* public hearing we heard about how the Diocese of Grafton adopted the Diocese of Sydney's *Pastoral care and assistance scheme* in November 2005.<sup>956</sup>

The scheme says that once a person informs the Anglican Church of sexual abuse, the Anglican Church will offer counselling with an independent practitioner and will immediately give a general acknowledgement that 'all child abuse or sexual misconduct is grossly wrong'. If the substance of the allegation is established, then a senior office holder in the Anglican Church must give an unqualified and specific apology. If the person is claiming financial aid, the claimant and a claims counsellor will try to reach agreement and, if it is not reached, the claimant can apply for pastoral care and assistance. The application will be referred to a panel of a senior psychiatrist or clinical psychologist, and a senior legal practitioner.<sup>957</sup>

We discuss the Diocese of Grafton's handling of claims under its *Pastoral care and assistance scheme* below.

### **Pastoral care and assistance scheme in the Diocese of Newcastle**

In April 2007, the Diocese of Newcastle also adopted a scheme based on the Diocese of Sydney's scheme. The upper limit of compensation available under the scheme was set at \$75,000. This scheme offered an alternative path for redress that did not involve seeking compensation through the courts.<sup>958</sup>

In around May 2015, the cap under the scheme was increased to \$150,000. Mr John Cleary, the diocesan business manager, told us that before the cap was increased, about 90 per cent of claimants rejected a settlement under the scheme. He said that doubling the cap to \$150,000 resulted in a significant 'take-up' of redress offers under the scheme. Mr Cleary said that around 40 to 50 alleged survivors of child sexual abuse had received redress from the diocese, although not all of those settlements were reached under the *Pastoral care and assistance scheme*.<sup>959</sup>

In 2015, the *Claim resolution protocol* was formally adopted to provide redress to those claimants who did not want to participate in the *Pastoral care and assistance scheme*. The diocesan business manager managed those claims.<sup>960</sup>

Under the *Pastoral care and assistance scheme*, claims are assessed by an assessment panel comprising the diocesan business manager, the diocesan lawyer and the chair of the professional standards committee. The panel then determines and advises the bishop on settlement, including its proposed sum of financial compensation. For all claims involving a financial redress payment, the diocese requires the claimant to sign a deed of release. The diocese has established a special purpose fund to meet these payments.<sup>961</sup>

All claimants are also offered an apology meeting, usually with the bishop. In 2015, the diocese developed a 'Survivor Apology Meeting Facts Sheet', which outlined the practice for making an apology. Bishop Thompson, formerly Bishop of Newcastle, told us that he has provided a written or personal apology in all cases where a claimant has requested that he do so. He has also met a number of other survivors who did not seek financial redress from the diocese but who wanted to meet him to discuss their experiences.<sup>962</sup>

### **Healing steps in the Diocese of Adelaide**

In August 2004, the Diocese of Adelaide introduced a pastoral support and assistance scheme called *Healing steps*. Under the scheme, survivors of sexual abuse by any Anglican Church worker in the diocese were entitled to make an application for pastoral support and assistance, including financial assistance. Following an application, the diocese could appoint an independent person to investigate allegations of abuse. Alternatively, an application could proceed without investigation where allegations had been established by police or an investigation by some other body.

Once a claim had been substantiated, *Healing steps* set out a process to facilitate a formal mediated settlement between survivors and the diocese through an independent ‘facilitator’. *Healing steps* stated that available outcomes included recognition from the Anglican Church that it understands the impact of abuse on the lives of survivors, an apology, reasonable assurance that the offence will not happen to another person, and financial assistance. Where mediated settlements include payment of financial assistance, survivors are required to release the diocese from any further claims.

In his statement provided as part of the *Church of England Boys’ Society* public hearing, the then Archbishop of Adelaide, Archbishop Jeffrey Driver, explained that *Healing steps* ‘was never seen as a rigid process, with fixed “steps” to be followed inflexibly by those who chose to use it’. Rather it sought to approach claims ‘from a pastoral perspective toward a resolution appropriate to the circumstances of each individual’. It was made clear that ‘this alternative is neither part of, nor a substitute for pursuing claims through a legal process’.<sup>963</sup>

In a statement provided to us as part of the *Institutional review of Anglican Church institutions* public hearing, the then Administrator of the Diocese of Adelaide, Bishop Tim Harris, explained that following the release of our *Redress and civil litigation* report:

It is evident that the redress scheme specific to the Anglican Diocese of Adelaide, *Healing Steps*, will need to evolve into something different – namely, a scheme independent of the Synod. Diocesan Council agrees with the view that this may require the Synod to participate in a scheme wider than our own diocese, either by establishing an independent redress scheme or participating in a scheme that meets the Report’s recommendations.<sup>964</sup>

Bishop Harris also noted that *Healing steps* was ‘coming to the end of its effective life’, and that the Diocese of Adelaide, in conjunction with the other dioceses and associated Anglican institutions would need to think about developing a provincial approach in the absence of a state or national scheme.<sup>965</sup>

### **Pastoral care and assistance package in the Diocese of Brisbane**

Archbishop Aspinall told us that the Diocese of Brisbane adopted the *Pastoral care and assistance package* in February 2010. That package provides for applications for financial assistance to be made once an allegation of sexual misconduct is substantiated either by court proceedings or by the professional standards board. All applicants are to be offered pastoral care, an apology and counselling. Financial assistance is capped at \$75,000.<sup>966</sup>

## Issues with diocese redress schemes

I am not satisfied with the amount that I settled for. I am thinking about suing the Church again. I don't think that what I got was fair. I think it was a pittance. I have lived with the impact of the abuse for nearly thirty years of my life. I want someone to be held responsible for it, to be accountable. The \$22,000 payout is ridiculous. I feel like the Church has given me the money and told me to shut up and go away, and it's not good enough.<sup>967</sup>

**Survivor, CD**

As noted above, each diocese has been responsible for the development, adoption and implementation of redress processes operating within its own jurisdiction. As a consequence, there are inconsistencies in the operation of redress frameworks between dioceses.

In this section we set out what we heard in our case studies about how redress schemes have been administered in a number of Anglican dioceses. We also set out the experiences of survivors who have sought redress under these schemes. We heard from survivors about issues with diocese redress schemes including:

- delays in assessing claims
- the process required to substantiate claims of abuse causing inconvenience to a survivor
- absence of communication, or inconsistent application, of diocesan policy that amounts already paid for counselling would be deducted from final determinations of financial assistance
- perceptions that the maximum payments available under the schemes were too low.

### Delays in assessing claims

In the *Church of England Boys' Society* case study we found that there was force to a survivor's submission that there was undue delay in the assessment of his application for financial assistance under the formal redress scheme in the Diocese of Tasmania.

On 10 July 2003, survivor BYF applied for financial assistance from the Diocese of Tasmania under the *Pastoral support and assistance scheme* in relation to his experience of abuse by Louis Daniels. It was not until March 2004 that the independent assessor made findings about BYF's application for financial assistance. BYF signed a deed of settlement on 25 March 2004 in relation to his experience of abuse by Garth Hawkins and Daniels and received some financial compensation.<sup>968</sup>

Bishop Harrower told us that one of the reasons for delays in assessments is that independent assessors were 'sometimes not available for literally months for personal reasons'.<sup>969</sup>

In the same case study, we also heard there was some delay in the assessment of survivor Mr Gould's application under the scheme because the police were still investigating one of his alleged abusers, Louis Daniels. Mr Gould applied to the *Pastoral support and assistance scheme* on 14 July 2004.<sup>970</sup> Daniels was sentenced in May 2005 to seven and a half years' imprisonment after pleading guilty to 13 charges (some of which related to Mr Gould).<sup>971</sup> Mr Gould's application was not assessed until 26 September 2006, when he was awarded the maximum amount under the scheme.<sup>972</sup>

### **'Inconvenient' process**

In the *Church of England Boys' Society* case study we found that there was also force to BYF's submission that the procedure under the *Pastoral support and assistance scheme* in the Diocese of Tasmania put him to inconvenience.<sup>973</sup> As we set out earlier, applications can only be lodged once a diocesan tribunal or committee has made a finding that the sexual misconduct complained of did occur.

At the time of BYF's application under the scheme in July 2003, Daniels had been deposed from holy orders by the Bishop of Canberra and Goulburn. It appeared from correspondence in evidence in the case study that a board of inquiry process was required in Tasmania to progress BYF's application under the scheme, despite the fact that Daniels had already been deposed from holy orders by the bishop in the Diocese of Canberra and Goulburn.<sup>974</sup>

On 30 July 2003, BYF wrote to Bishop Harrower expressing his strong concern over the processes he had had to go through to prove his experience of abuse. Bishop Harrower responded on 4 August 2003 saying:

I was very saddened to read your letter and to hear of your distress.

I admit that we in Tasmania have been on a very steep learning curve as we have tried to respond to disclosures of sexual abuse by clergy, and we have certainly not always got it right or foreseen all the difficulties that would require us to make changes.

The journey for someone bringing a complaint is never an easy one, but I am very sorry if the way we have tackled this has made your journey even harder than it needed to have been.<sup>975</sup>

The board of inquiry issued its report on BYF's claim on 6 September 2003 and found that there was a case to answer. However, because Daniels had by that time been deposed from holy orders, the Anglican Church had no current jurisdiction over him. Bishop Harrower then asked the board to make a finding on whether the abuse occurred. The board found the abuse had occurred. The independent assessor under the *Pastoral support and assistance scheme* determined BYF's claim in March 2004.<sup>976</sup>

### **Deduction of counselling payments from final determinations of financial assistance**

In the *Church of England Boys' Society* case study we found that the Diocese of Tasmania was inconsistent in its approach to amounts that would be deducted from financial assistance awarded under the *Pastoral support and assistance scheme*. We also found that the diocese failed to communicate intended deductions to a survivor who sought redress under the scheme.<sup>977</sup>

On 24 May 2003, survivor BYH wrote to Bishop Harrower, and disclosed sexual abuse by Garth Hawkins. The diocese told BYH that it could not investigate his complaint until a police investigation had concluded, but offered him paid visits to a psychiatrist in the meantime. BYH accepted that offer and told us that the visits were beneficial.<sup>978</sup>

After Hawkins was convicted, Bishop Harrower advised BYH that he could apply for assistance under the *Pastoral support and assistance scheme*, which he did. BYH was awarded the full amount available less the amount spent on counselling to that point. BYH told us that he was not told that the diocese would deduct the cost of the counselling he had received from the final settlement amount. He had originally thought the counselling was provided free of charge. We found that BYH should have been advised in advance that any counselling fees would be deducted from the final settlement amount. BYH said that after legal costs he was left with around \$40,000.<sup>979</sup>

We also found that the Diocese of Tasmania took an inconsistent approach to the deduction of counselling expenses in response to another survivor's application under the scheme. In July 2004, Mr Gould submitted an application to the *Pastoral support and assistance scheme*. He was told by Bishop Harrower that the diocese would not deduct counselling payments from any payout he received. In September 2006, Mr Gould's application was assessed and he was awarded the maximum amount available. Unlike in BYH's situation, the Diocese of Tasmania did not deduct any amounts for counselling from Mr Gould's final payment.<sup>980</sup>

### **Perceptions that the maximum payment available was too low**

Of the diocese redress schemes we set out above, all except *Healing steps* in the Diocese of Adelaide capped the maximum amount of financial assistance available to survivors.



We heard that some survivors chose not to seek redress through formal diocese redress schemes because they believed that the capped amounts for financial assistance were too low. In the *Anglican Diocese of Newcastle* case study the diocesan business manager, Mr John Cleary, told us that redress under the scheme was 'regularly rejected' by survivors because the maximum grant of assistance was capped at \$75,000.<sup>981</sup>

Survivor CKA told us that he received two payments under the *Pastoral care and assistance scheme* operating in the Diocese of Newcastle, in relation to the abuse by Father George Parker. The response of the Diocese of Newcastle to CKA's disclosure of sexual abuse by Father Parker and the criminal proceedings related to this complaint in 2001 is set out in Section 12.4.

CKA received \$35,000 in 2008 under the scheme, in relation to sexual abuse he says Father Parker committed at the rectory in Wallsend in 1975. Father Parker was never the subject of disciplinary proceedings in the Diocese of Newcastle or any other diocese.<sup>982</sup> The Diocese of Newcastle approved CKA's application in exchange for releasing the diocese from claims relating to Father Parker.<sup>983</sup>

In 2012, CKA negotiated a second settlement with the Diocese of Newcastle in relation to disclosures of further allegations of sexual abuse by Father Parker. CKA told us that he received a second payment of \$75,000 from the Diocese of Newcastle and signed a second deed of release in 2012.<sup>984</sup> While this was the maximum amount payable under the scheme at that time, CKA told us that he thought it was 'a joke'. He said the Anglican Church could 'never pay me enough to compensate me for what I could have been had [Father Parker] not abused me'.<sup>985</sup>

### Changes to diocese redress schemes

We heard that some dioceses have taken steps to improve their response to survivors under formal redress schemes.

In the *Church of England Boys' Society* public hearing, the then Archbishop of Adelaide, Archbishop Jeffrey Driver told us that as a result of discussions with survivor Mr Mark King in 2005, the archbishop sought to change the level of counselling offered to victims from six sessions to 15 sessions. He told us he also sought to relax the requirement around which counsellors victims could see.<sup>986</sup>

Some dioceses have also taken steps to increase the amount of financial assistance available to survivors under formal redress schemes. In the *Anglican Diocese of Newcastle* case study we heard that in May 2015, the Diocese of Newcastle increased the cap on the maximum amount payable under its *Pastoral care and assistance scheme* from \$75,000 to \$150,000.<sup>987</sup> In the *Church of England Boys' Society* public hearing we heard that in May 2015, the Diocese of Tasmania had increased the maximum grant of assistance under its *Pastoral support and assistance scheme* from \$60,000 to \$75,000.<sup>988</sup>

The Diocese of Grafton took steps to review all payments made under its formal redress scheme in 2013. During the *North Coast Children's Home* public hearing, Ms Hywood, who had been appointed acting registrar of the Diocese of Grafton in January 2013, told us that she was unaware that the Bishop-in-Council had adopted the Diocese of Sydney's *Pastoral care and assistance scheme* in November 2005. In June 2013, Ms Hywood proposed a revised pastoral and care assistance package, adapted from the Diocese of Sydney's package. This new package was adopted at the Bishop-in-Council meeting in around October 2013.<sup>989</sup>

The professional standards director and professional standards committee subsequently reviewed all abuse claims received in the Diocese of Grafton, including those raised in a group claim relating to the North Coast Children's Home that had been settled some years earlier. We discuss the Diocese of Grafton's response to the group claim and others claims relating to the North Coast Children's Home in further detail below. The professional standards director and the professional standards committee recommended the diocese pay each claimant at the level recommended by the committee. Archdeacon Greg Ezzy told us that the revised *Pastoral care and assistance package* would apply retrospectively to all 41 members of the earlier group claim.<sup>990</sup>

In the *Institutional review of Anglican Church institutions* public hearing Bishop Dr Sarah Macneil, the Bishop of Grafton, told us:

The Commission will be aware that the diocese, in response to the understanding that the settlements that had been made in the case of the North Coast Children's Home were inadequate and did not meet the diocese's own benchmarking, under its Pastoral Care and Assistance Scheme, contacted the complainants, the victims in the North Coast Children's Home case, and offered ex gratia payments to bring their settlements, their payments, to the level that they would have received under the Pastoral Care and Assistance Scheme.<sup>991</sup>

## Responses to survivors through civil litigation

As noted earlier, the Anglican Church complaints data showed that, of all redress processes, the highest total amount of monetary payment was through civil proceedings (\$12.74 million). The highest average monetary payment paid was through civil proceedings only (approximately \$116,000 per complainant).<sup>992</sup>

Table 16.14, from the Anglican Church complaints data, sets out the average payments by redress process by Anglican Church province:<sup>993</sup>

**Table 16.14 – Average payments by redress process by Anglican Church province**

Province	Redress scheme (\$)	Civil (\$)	Other (\$)
Queensland	38,000	143,000	31,000
New South Wales	64,000	74,000	105,000
Victoria	N/A	0	45,000
South Australia	73,000	85,000	57,000
Western Australia	80,000	0	25,000
Extra provincial: Tasmania	71,000	75,000	35,000
<b>Total</b>	<b>71,000</b>	<b>116,000</b>	<b>52,000</b>

During the *Institutional review of Anglican Church institutions* public hearing we heard that some Anglican Church dioceses attempt to resolve civil claims as expeditiously as possible. Bishop Geoffrey Smith, at the time an assistant bishop in the Diocese of Brisbane and now the Archbishop of Adelaide, told us that ‘we do say to our lawyers that we want to get to the mediation, the compulsory mediation stage of our process as reasonably, quickly and easily as possible’.<sup>994</sup>

Bishop Dr Macneil, told us, ‘We have also instructed the lawyers who act for us in these cases to negotiate an outcome and there have been very few cases, but none of them have gone to court, they have all been settled’.<sup>995</sup>

Archbishop Philip Freier, Archbishop of Melbourne and Primate of the Anglican Church of Australia, told us that dioceses in the Province of Victoria have formed diocesan corporations, such as the Melbourne Anglican Diocesan Corporation. He told us that the purpose of the Melbourne Anglican Diocesan Corporation was to, effectively, provide a ‘proper defendant’ in legal proceedings.<sup>996</sup> Archbishop Freier told us in his written statement that the purpose of the entity was to be:<sup>997</sup>

- the nominated ‘employer’ under the WorkCover statutory scheme of clergy and others in the diocese
- the corporate vehicle by which the diocese can hold itself accountable to the community for liability that may be incurred as a result of the acts or omissions of those in the service of the diocese.

Some survivors told us in our case studies about their experiences in using civil litigation processes before 2005 to seek redress for child sexual abuse perpetrated by Anglican Church personnel.

In the *Church of England Boys' Society* public hearing, survivor BYG told us that he was critical of the process he had to engage in when he pursued a civil claim against the Anglican Church and Louis Daniels in 1994. In 1994, BYG engaged a solicitor and sought financial compensation from both the Diocese of Tasmania and Louis Daniels.<sup>998</sup> BYG said that, according to his solicitor, the Diocese of Tasmania had said that it was unable to contribute money without the matter becoming widely known and would have to go through complicated Anglican Church processes.<sup>999</sup>

BYG told us that he decided to settle with Daniels a few months after initiating proceedings, as he did not want the matter to become widely known and he was exhausted by the process. In September 1994 BYG executed a deed of release with Daniels and Bishop Newell on behalf of the Diocese of Tasmania. Daniels personally paid BYG an amount of \$34,000. The diocese was released from all claims.<sup>1000</sup>

In the same case study we heard that in 1998, Mr Brett Skipper commenced proceedings against the Diocese of Tasmania and the men who allegedly abused him, one of whom was Daniels, for compensation in relation to the sexual abuse he suffered. Mr Skipper eventually settled with the diocese on 11 May 2004 for \$75,000 (including costs) and released the diocese from all future claims.<sup>1001</sup> Later that day, Mr Skipper took his life.<sup>1002</sup>

## The response of the Diocese of Grafton to civil claims relating to the North Coast Children's Home

In Section 12.5.1, we discussed the response of the Diocese of Grafton to a group claim brought by over 40 survivors of abuse at the North Coast Children's Home. In that case study, we heard about the impact the Diocese of Grafton's response to the group claim had on survivors.

In August 2005, Mr Tommy Champion, a former resident of the North Coast Children's Home, wrote to the Anglican dioceses of Sydney and Grafton and described physical, psychological and sexual abuse he experienced as a resident at the North Coast Children's Home.<sup>1003</sup>

Reverend Patrick Comben, who was the registrar of the Diocese of Grafton, replied to Mr Champion:

I am unable to adequately express my personal feelings of revulsion, sorrow and helplessness which the letter raises in me ... I have no hesitation in speaking on behalf of the Diocese in saying that we will do all that we can to assist you to move beyond the pain that was caused in an Anglican place that should have been safe, but was clearly not.<sup>1004</sup>

Reverend Comben said that the professional staff of the Diocese of Sydney would respond to Mr Campion on behalf of the Diocese of Grafton. He also offered Mr Campion counselling support and \$500 to help him travel to counselling appointments. He sent Mr Campion information about the Diocese of Sydney's *Pastoral care and assistance scheme*, explaining that 'the Diocese of Grafton follows these guidelines'.<sup>1005</sup>

Mr Campion said he was 'ecstatic' at the news of the redress scheme being offered and that he and his sister, CA, might each receive between \$70,000 and \$80,000. He said he 'knew so many other children who were abused in the Home ... [and he] felt that everyone who was abused should receive something'.<sup>1006</sup>

Between November 2005 and January 2006, Mr Campion spoke to the media about his experiences at the North Coast Children's Home and advertised to find other former residents.<sup>1007</sup> In 2006, over 40 former residents began a group claim against the Diocese of Grafton. They claimed to have suffered physical, psychological and sexual abuse at the North Coast Children's Home between 1940 and 1985. Twenty of those claims involved child sexual abuse by clergy, staff, foster parents and others.<sup>1008</sup>

### **The Diocese of Grafton denies liability**

In January 2006, Mr Simon Harrison, a lawyer running the group claim, requested documents and other information from Reverend Comben about the North Coast Children's Home and its former staff. Reverend Comben declined the request. After the request, Reverend Comben instructed lawyers for the diocese to defend the group claim by denying liability.<sup>1009</sup>

On 1 June 2006, the diocese's lawyer wrote to Mr Harrison and confirmed the diocese's position that it denied liability, on the basis that the North Coast Children's Home was never run by clergy and the staff were not employed by the Anglican Church. We found that the Diocese of Grafton initially dealt with Mr Campion's complaint by providing a copy of the *Pastoral care and assistance scheme* adopted by the diocese in 2005. When faced with the group claim, the diocese changed its response to Mr Campion's claims by stating that the diocese and its corporate trustees had no legal liability for sexual or physical abuse of a child by clergy, staff or other people associated with the North Coast Children's Home.<sup>1010</sup>

In December 2006, an informal settlement conference between the lawyers for the Diocese of Grafton and for the group claim failed to resolve the claim. Mr Harrison wrote to his clients about the hostile and combative nature of the negotiations:

During the course of the second day of conferencing we were appalled at two offensive remarks that were made both by the Reverend and his lawyer ... The comments related to the nature of 'discipline in those days' and a suggestion that implied that any abuses that occurred had to be placed in the context of the fact that at least the children were given a home.<sup>1011</sup>

We found that the settlement negotiations in December 2006 were conducted in a hostile manner. Eventually, the Diocese of Grafton agreed to settle the group claim in March 2007 for \$825,000.<sup>1012</sup>

Mr Campion and CA rejected the offer made as part of the group claim, and later sought redress under the *Pastoral care and assistance scheme*, which we discuss below. The other members of the group claim accepted the offer. We found that the amounts offered to the claimants were substantially lower than if the claim had been resolved under the 2005 *Pastoral care and assistance scheme* adopted by the Diocese of Grafton. We also found that the Diocese of Grafton had misled Mr Campion and another survivor, CA, that the 2005 *Pastoral care and assistance scheme* would be followed.<sup>1013</sup>

Mr Campion and other survivors told us that they were disappointed and hurt by the Diocese of Grafton's response and the financial settlement reached. CK told us that in denying responsibility, the Anglican Church caused much hurt because the residents knew the truth. He said that the Anglican Church taking responsibility and ownership was important to him and other former residents.<sup>1014</sup>

CN was disappointed with the group claim settlement and the diocese's denial of liability. She described the legal process overall as being very distressing:

At the end of that case, it was like being raped all over again. So it made me feel just like I felt when I was in the Home, like I was lying and worthless.<sup>1015</sup>

Mr Campion gave evidence about his legal fees and the amount offered by the Diocese of Grafton:

I was upset. I mean, the amount of abuse that I suffered was pretty bad. I just thought that settlement was – the church had schemed a bit to get out of paying the correct amount of money. I was pretty heartbroken that he only offered that much ... All these people had gone through hell and then you get the situation where you have the lawyers telling you what to have, without asking beforehand, and knowing that [the claimants] had to pay half of what they got. I just didn't think that was fair.<sup>1016</sup>

CA told us:

I felt the offer and conditions were unacceptable, and did not feel that what they called the 'compassionate payment' was genuine. I was devastated. Other people decided to take what they could get. I couldn't believe people could take the money for what was done to their life. I felt they wanted it all wrapped up and forgotten about.<sup>1017</sup>

We found that by denying legal liability, on the basis that it did not control the North Coast Children's Home, and not providing a pastoral response, the Diocese of Grafton's response had a detrimental effect on abused former residents.<sup>1018</sup>

## Survivors seek redress under the Pastoral care and assistance scheme

After Mr Campion rejected the diocese's settlement offer in the group claim in March 2007, he and his sister, CA, continued to negotiate with the diocese. Mr Campion told the diocese that he needed more extensive counselling and he wanted compensation of \$75,000 in line with the diocese's *Pastoral care and assistance scheme*.<sup>1019</sup>

On 14 August 2007, Bishop Keith Slater wrote to Mr Campion and CA:

It seems to me that what you are now asking in relation to a Care Package would actually be a betrayal of all of those whom you encouraged to make a claim with you through your lawyer. If the Diocese now proceeded to renegotiate with you at a significantly higher level of recompense then it would actually impinge upon your integrity, and be viewed by others as a betrayal.<sup>1020</sup>

Bishop Slater repeated the offer that had been given to the group claimants: \$22,000 plus continued payment for 10 counselling sessions. Mr Campion told us that he was shocked by the bishop's letter: 'I could not believe it. I thought it was a shocking thing to say that I would betray the other children. I thought it was despicable'. CA responded in similar terms on 16 October 2007.<sup>1021</sup>

Bishop Slater acknowledged that his letter was an inappropriate reply to Mr Campion. He agreed that it confused the interests of the complainant, the bishop, the diocese and other members of the group claim. We found that Bishop Slater did not follow the *Pastoral care and assistance scheme* in responding to Mr Campion.<sup>1022</sup>

In 2010, Mr Campion accepted the original offer under the group claim:

Due to a desperate need to regain my sanity, my health, pay the rent and electricity and purchase decent food to keep that health, I will now accept every cent due to me for the physical, sexual and psychological abuse I suffered [at the Home].<sup>1023</sup>

### 12.5.7 Conclusions about contemporary Anglican Church responses to child sexual abuse

Since 2004, Anglican dioceses in Australia have adopted and implemented a range of measures under a professional standards framework to respond to complaints of child sexual abuse, with the intention of achieving a consistent national approach. However, there remain differences in how this framework operates in each of the 23 dioceses, leading to inconsistent outcomes for survivors.



As noted in Section 12.4, before the development of the professional standards framework, complaints were rarely reported to the police or other civil authorities. The 2004 framework, while not specifically mandating that allegations of child sexual abuse are reported to the police and other civil authorities, nevertheless requires dioceses to have procedures for working with law enforcement, prosecution and child protection authorities. Furthermore, professional standards committees have a power and a duty to refer information to such authorities.

We heard from five directors of professional standards from different dioceses across Australia, who each said it was the practice in their respective diocese to report all allegations of child sexual abuse to the police. Nevertheless, as we saw in the *North Coast Children's Home* case study, where policies existed, Anglican Church personnel did not necessarily report historical allegations in a timely manner, if at all. In that case study, the diocese breached its own professional standards procedures and protocols, in that allegations of historical child sexual abuse were not reported to the professional standards director or the police for a period of some years after they were made.

Following the introduction of the professional standards framework in 2004, there was a shift away from the tribunal-based system of disciplining clergy to a mechanism which considers whether clergy and church workers remain fit to hold a licence, office or position of responsibility where allegations have been made against them. In the Diocese of Grafton, the process as envisaged by professional standards framework was not followed in relation to one offender, although it was acknowledged by two dioceses that such action could have been taken. Although the mechanism was engaged in the Diocese of Newcastle, we heard that in relation to one alleged perpetrator, the process was long and protracted, taking almost three years from initial complaint to outcome.

In the Diocese of Newcastle, disciplinary processes conducted in 2010 resulted in allegations being upheld against a number of alleged perpetrators. Two individuals unsuccessfully challenged the determinations of the professional standards board in the New South Wales Supreme Court. The application of the professional standards framework in the Diocese of Newcastle resulted in significant backlash from a section of the lay Anglican community in the diocese. They criticised decisions to take disciplinary action against clergy, and complained to the primate and the Episcopal Standards Commission about bishops in the diocese who were taking such action. We found that no culture supportive of the professional standards framework had embedded itself in the diocese and that the complaints were designed at least in part to discourage the diocese from dealing with allegations of child sexual abuse.

We also heard that lay people in the Anglican Church can significantly influence the prevailing culture of a diocese. In the Diocese of Newcastle, this led to child safety not being prioritised, the undermining of attempts to implement professional standards processes, and backlash directed to bishops and others in leadership positions when they sought to bring about positive cultural change in relation to the issue of child sexual abuse.

By the late 2000s, the Anglican Church was also addressing the issue of risk managing ‘persons of concern’ who wished to remain involved in parish activities. We heard that restrictions are sometimes placed on persons of concern, designed to protect the parish community from the risk of harm. Risk management processes have been put in place in some cases; however we heard that some ‘persons of concern’ have proved difficult to risk manage.

Although pastoral care and assistance schemes have operated in most dioceses since the 1990s, we heard that these were not always followed or properly implemented. Where there were civil claims, sometimes the approach adopted by a diocese was legalistic and defensive, which caused further trauma for survivors. A number of diocesan bishops who gave evidence in the institutional review hearing told us that their dioceses have sought to improve their responses to survivors. Despite this, we heard from some survivors about their negative experiences with diocese-based redress schemes, including delays, inconvenient processes, and perceptions that the maximum available through these schemes were inadequate.

The introduction of professional standards processes has nevertheless resulted in some improvements in institutional responses to survivors of child sexual abuse in the Anglican Church. We heard about the positive impact that apologies can have for some survivors. In some instances, disciplinary processes were successfully pursued against both clergy and lay people in relation to child sexual abuse. Diocese-based redress schemes, in the absence of a national redress scheme in the Anglican Church, provide some financial and other assistance to survivors of child sexual abuse. However, there continue to be inconsistent approaches to the institutional response to child sexual abuse across Anglican institutions.

In Section 12.6, we consider factors that may have contributed to the occurrence of child sexual abuse in Anglican institutions, or to an inadequate institutional response to this abuse. We make recommendations to the Anglican Church, including in relation to furthering efforts to achieve national consistency in relation to measures to promote child safety.

## 12.6 Contributing factors in the Anglican Church

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### 12.6.1 Introduction

The house is burning. We need a national response. We need resolution and resolve from our Bishops to commit themselves to have one consistent practice of professional standards and child protection. There is no excuse for Bishops to defend their position around jurisdiction.<sup>1024</sup>

**Bishop Gregory Thompson, former Bishop of Newcastle**

In *Case Study 52: Institutional review of Anglican Church institutions (Institutional review of Anglican Church institutions)* and our case studies which examined specific Anglican Church institutions, we heard evidence about factors that may have contributed to the occurrence of child sexual abuse in Anglican institutions and to inadequate institutional responses to that abuse. This included the following issues:

- barriers to a consistent response related to the structure and governance of the Anglican Church
- the role of bishops and significance of their leadership
- conflicts of interest for bishops and other office holders in the Anglican Church
- cultural issues within Anglican Church communities
- the impact of clericalism
- the practice of forgiveness and confession
- inadequate screening, selection, training and supervision.

### 12.6.2 Structure and governance: barriers to a consistent response

Our observations in this section are informed primarily by evidence we received in the *Institutional review of Anglican Church institutions* public hearing, but are also informed by what we heard in some of our case studies that examined Anglican Church institutions.

We heard evidence that there is no consistent, national approach in the Anglican Church of Australia to responding to allegations of child sexual abuse. We heard that this is influenced by dispersed and decentralised authority, diocesan autonomy, and theological and cultural differences between dioceses. These influences raise structural and cultural barriers to a consistent approach to responding to allegations of child sexual abuse.

Archbishop Phillip Aspinall, Archbishop of Brisbane and at the time primate of the Anglican Church of Australia, told us in *Case Study 3: Anglican Diocese of Grafton's response to child sexual abuse at the North Coast Children's Home (North Coast Children's Home)* that, while the Anglican Church represents itself as a unified national body, it does not operate in a unified way.<sup>1025</sup> Archbishop Aspinall further acknowledged in the *Institutional review of Anglican Church institutions* public hearing that this is a problem 'enshrined structurally in our constitution. When the power lies in the diocese, it's almost a recipe to guarantee diversity'.<sup>1026</sup>

In terms of the structural barriers to consistency, Archbishop Aspinall noted in the *Institutional review of Anglican Church institutions* public hearing that authority within the Anglican Church was dispersed both at the diocesan level (where the bishop, in conjunction with the synod, governs the diocese) and the parish level (where the parish priest operates in conjunction with a parish council).<sup>1027</sup>

We are aware that the structural barriers are considerable. For example, we heard in the *Institutional review of Anglican Church institutions* public hearing from Archbishop Aspinall that while ‘the General Synod could pass a canon about child protection’, all 23 dioceses would need to adopt it.<sup>1028</sup> We heard that the impact of this was that there was no nationally consistent approach across the dioceses in relation to responding to child sexual abuse, professional standards in general and episcopal standards.<sup>1029</sup>

Bishop Gregory Thompson, who at the time was the Bishop of Newcastle, told us in the *Institutional review of Anglican Church institutions* public hearing that:

I’m really disappointed that the national church hasn’t been galvanised for years to have a common national response, and I think it’s been undermined by tribal interests, vested interests in keeping the jurisdictions of not allowing someone else coming into our territory to tell us what to do. And this is so disappointing. It’s as if the child protection, child safety thrust is being overwhelmed by these other vested interests, and they need to be examined. I think there needs to be an honesty about it rather than this veneer of nice Anglicanism – we ought to be nice to each other but in reality we’re in competition with each other.<sup>1030</sup>

The lack of a nationally consistent approach to child safety is a significant challenge for the Anglican Church of Australia. It has been a feature of every hearing we have conducted in relation to Anglican dioceses.

During the *North Coast Children’s Home* public hearing we heard about the role of the primate and the structural issues in the Anglican Church that might impede the handling of claims.<sup>1031</sup>

In *Case Study 36: The response of the Church of England Boys’ Society and the Anglican Dioceses of Tasmania, Adelaide, Brisbane and Sydney to allegations of child sexual abuse (Church of England Boys’ Society)* we found that the partial adoption of the model professional standards framework by Anglican Church dioceses meant that, for a parachurch organisation such as the Church of England Boys’ Society (CEBS), there were no clear and consistent rules. Further, we found that, despite several diocesan inquiries, and a report commissioned by the Professional Standards Commission of the Anglican Church and published in 2009 that found a high rate of offending among CEBS leaders nationally, there had not been a national coordinated response to offending within CEBS.<sup>1032</sup>

In *Case Study 42: The responses of the Anglican Diocese of Newcastle to instances and allegations of child sexual abuse (Anglican Diocese of Newcastle)*, we found that a consequence of the structure of the Anglican Church was that each diocese had responsibility for developing its own professional standards framework.<sup>1033</sup>

Reverend Dr Bruce Kaye AM, Adjunct Research Professor, Centre for Public and Contextual Theology, Charles Sturt University, and a former General Secretary of the General Synod of the Anglican Church of Australia, told us that the structure of the Anglican Church would be difficult to change:

So it is a long-embedded structure, and I think it's really hard to imagine engaging in a strong move to centralise it, unless it is on some such issue as this, which is obviously one of great national importance and which the church has manifestly failed in. So I think I wouldn't want to underestimate the challenge involved in such a move.<sup>1034</sup>

We also heard evidence that there is no homogeneity of theology or church practice within the Anglican Church of Australia.<sup>1035</sup> For instance, Professor Patrick Parkinson AM, professor of law, University of Sydney, identified (while recognising these to be 'very broad generalisations'<sup>1036</sup>) three major theological groupings: the evangelical tradition, the Anglo-Catholic tradition, and a liberal tradition.<sup>1037</sup> Archbishop Glenn Davies, Archbishop of Sydney, called these 'loose overlapping definitions'.<sup>1038</sup>

We heard that these theological differences do not in themselves directly concern the Anglican Church's response to child sexual abuse. As Archbishop Aspinall told us:

they are not theological differences about child sexual abuse, there are much deeper underlying issues about how to interpret and apply the scriptures which give rise to differences about the ordination of women, which prayer books should be authorised to be used, differences about human sexuality.<sup>1039</sup>

Before the *Institutional review of Anglican Church institutions* public hearing, we asked all 23 dioceses in Australia whether theological differences have an impact on the protection of children. In the statements which addressed this issue, there was a consensus that theological differences do not and should not have an impact on the Anglican Church's response to child sexual abuse.<sup>1040</sup> Archbishop Aspinall told us that he did not believe 'there's any lack of commitment anywhere in the church to want to protect children. I think there is uniform resolve about that.'<sup>1041</sup>

However, Archbishop Aspinall told us that 'what impedes our capacity to collaborate is a fundamental lack of trust between the dioceses, to the point where there is a lack of will or even a desire to cooperate on a whole range of issues'. He went on to observe:

So we have one part of the church who looks at another part of the church and says, 'We do not believe you are understanding and applying the scriptures in a proper, truthful way. We actually have doubts about what you believe. We suspect' – this would never be said, but it's what's there, beneath the surface – 'We suspect you may not really be truly Christian. Therefore, we do not want to associate with you too closely, institutionally, lest we be contaminated with those errors that you are making'.

Now, this undermines a desire to collaborate nationally, and pushes people back into their own dioceses where they live with the true and pure, like-mindedness. That's the fundamental issue, I think, the Anglican Church of Australia has to grapple with.<sup>1042</sup>

Archbishop Davies told us that the Anglican Church was working towards consistency but that there were still robust systems of child protection in place in most dioceses:

In my view, consistency is a second-order issue. It is important, but it is far more important to have children protected ...

... I recognise that there has been a failure of the national church to have consistency across the board, but it shouldn't be forgotten that there are a number of robust systems of child protection in place in most dioceses in the national church, and we are still working towards getting the consistency and raising the bar, having those minimum standards accepted across the board, that's true, that is still work to be done, but it shouldn't be forgotten that good work has been done.<sup>1043</sup>

Dioceses having different minimum standards guiding their responses to allegations of child sexual abuse is likely to lead to different outcomes for survivors approaching each diocese. A consistent approach would ensure more predictable and transparent outcomes for survivors.

These structural and cultural differences have impeded the Anglican Church of Australia's ability to develop a common response to child sexual abuse. It is clear that there are structural and cultural barriers to a shared national approach to child safety.

In the *Institutional review of Anglican Church institutions* public hearing we heard about the efforts of the General Synod, particularly since 2004, to achieve a nationally consistent approach, including recommending policies for implementation by dioceses.<sup>1044</sup> However, Mr Garth Blake SC, Chair of the Professional Standards Commission and Chair of the Royal Commission Working Group, told us, 'Paradoxically, I think there has been more fragmentation in recent times, and I think that has corresponded with the development of more sophisticated professional standards processes in each diocese'.<sup>1045</sup>

As we noted in Section 12.3, 'Development of national model procedures in the Anglican Church', Archbishop Aspinall told us that, in his view, a recommendation from the Royal Commission may be necessary to overcome these barriers. Mr Blake SC told us that he would regard the need for an 'external push' as a 'continuing moral failure'.<sup>1046</sup>

In Chapter 20, 'Making religious institutions child safe', we recommend that religious organisations should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions (Recommendation 16.32). The Child Safe Standards articulate the essential elements of a child safe institution and set benchmarks against which institutions can assess their child safe capacity and set performance targets.

We also recommend that religious organisations should drive a consistent approach to the implementation of the Child Safe Standards in each of their affiliated institutions (Recommendation 16.33). In Chapter 20 we set out what we heard about the adoption of the *Safe Ministry to Children Canon 2017* by the General Synod in September 2017. The *Safe Ministry to Children Canon 2017* prescribes uniform minimum child safe standards and a code of conduct.<sup>1047</sup> We note that in order for this to result in a consistent approach it will have to be adopted with minimal amendments by each of the 23 dioceses.<sup>1048</sup>

We also believe that religious organisations can play a role in promoting ongoing compliance with the standards in their affiliated institutions. In Chapter 20 we recommend that religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Child Safe Standards in each of their affiliated institutions (Recommendation 16.34). As part of this approach, we encourage religious organisations to implement a process of measuring compliance with the Child Safe Standards in their affiliated institutions, and to make public the results of that process for the purposes of transparency and accountability. We note that the *Safe Ministry to Children Canon 2017* includes a public auditing function, being the publication of audits on the General Synod website.

In Chapter 20 we describe how, in existing highly regulated sectors such as education and out-of-home care, religious organisations will have less of a role to play in supporting implementation of and compliance with the Child Safe Standards. Nevertheless, we consider that, where an institution operates under the auspices of a religious organisation, there should be some oversight of that institution by the religious organisation with respect to child safety. In our view, institutions in existing highly regulated sectors should report their compliance with the Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation with which they are affiliated (Recommendation 16.35).

In the Anglican Church of Australia, given what we have heard about the structural barriers to nationally consistent responses to child sexual abuse, particular attention should be given to the development of a mechanism not only to drive a consistent approach to child safety but also to monitor the adoption of this approach in the 23 dioceses and their affiliated institutions.



In Chapter 20 we describe some further approaches in the Anglican Church that could lead to greater consistency in approach to child safety. These include:

- the creation by the Diocese of Melbourne of a separately incorporated entity to provide child protection services (such as complaint handling and arranging screening/clearances), Koorooya Ltd
- the creation by the General Synod of a separately incorporated entity to interact with the national redress scheme on behalf of Anglican Church dioceses and associated institutions.

Koorooya Ltd is an independent corporate entity established by the Anglican dioceses of Melbourne and Bendigo.<sup>1049</sup> In a statement provided to us as part of the *Institutional review of Anglican Church institutions* public hearing, Mr Michael Shand QC, Chancellor of the Diocese of Melbourne, told us that the role of the independent ‘scheme corporation’ will be to administer the complaints and clearance regimes, as well as any Anglican Church redress scheme, which will be subject to a biennial audit and review by a professional standards ombudsman.<sup>1050</sup> In Chapter 20 we discuss Koorooya Ltd in further detail.

During the *Institutional review of Anglican Church institutions* public hearing, Mr Shand QC told us that the corporate approach was a compromise between acknowledging the autonomy of dioceses and the need for a common but independent approach.<sup>1051</sup> We consider that the use of an independent entity in the province of Victoria is likely to lead to greater consistency of approach between Victorian dioceses. The independent entity could also potentially monitor the implementation of the Child Safe Standards in these dioceses and affiliated institutions.

In Chapter 20 and Chapter 22, ‘Redress and civil litigation for survivors of child sexual abuse in religious institutions’, we also discuss the proposed establishment of an independent corporate entity by the General Synod to engage with the national redress scheme on behalf of Anglican Church dioceses and affiliated institutions. An independent corporate entity could potentially operate nationally and have within its remit the implementation and monitoring of the Royal Commission’s Child Safe Standards across all Anglican Church dioceses and affiliated institutions.

### 12.6.3 Leadership

Our case studies have demonstrated critical failures of leadership in the Anglican Church in responding to allegations of child sexual abuse.

In this section we set out what we heard about leadership failure in the Anglican Church of Australia. We look at the role of bishop and consider the factors that may have contributed to poor responses to allegations of child sexual abuse. We also provide examples of positive leadership to underscore the importance of leadership that values and promotes child safety.

## The role of the bishop

A diocesan bishop is the primary spiritual and administrative leader of a diocese.<sup>1052</sup> Traditionally in the Anglican Church, the bishop's essential role is to ordain and oversee the clergy in a diocese.<sup>1053</sup> While the diocesan bishop governs in conjunction with a synod,<sup>1054</sup> in the *Institutional review of Anglican Church institutions* public hearing, member of the General Synod, Dr Muriel Porter OAM told us that 'fundamentally, it's the bishop who has the position of the spiritual leadership and can really influence the way that synod operates to a very great degree'.<sup>1055</sup>

In the same hearing, Archbishop Aspinall told us that a bishop does not exercise 'monarchical power' and that 'authority in the Anglican Church is always dispersed at every level, so it is the bishop, in conjunction with the synod, that governs a diocese'.<sup>1056</sup> However, Reverend Dr Kaye told us that bishops can influence the operation of a diocesan synod as 'bishops are in a fairly invidious position in terms of the exercise of power'.<sup>1057</sup> Reverend Dr Kaye said that:

[The governance structure of a diocese] effectively gives a bishop a veto, and it leads to the kind of point that bishops find it very difficult to initiate things, except by persuasion and things that don't ruffle the constitutional feathers, but very easy to stop things. It is easier as a bishop to stop something happening in those kinds of contexts than I think to get something done. So the problems are fairly significant, I think.<sup>1058</sup>

In the *Anglican Diocese of Newcastle* public hearing, the *North Coast Children's Home* public hearing and the *Church of England Boys' Society* public hearing, we heard about the poor responses of some diocesan bishops to complaints of child sexual abuse. These case studies showed that poor leadership was a significant contributing factor to poor responses to allegations of child sexual abuse in the dioceses examined.

In the *Anglican Diocese of Newcastle* public hearing we heard about the successive poor responses of three diocesan bishops. Bishop Ian Shevill, who was the Bishop of Newcastle from 1973 to 1977, took no formal disciplinary steps against alleged perpetrator Canon Harold Marshall, because he was concerned to protect the reputation of the Anglican Church.<sup>1059</sup>

Bishop Shevill's successor, Bishop Alfred Holland, adopted a 'do nothing' approach during his episcopate from 1978 to 1992 in response to child sexual abuse allegations in the diocese. We found that the failure of Bishop Holland to act in the face of the allegations made to him represented a lost opportunity to prevent further abuse being perpetrated by Father Peter Rushton and Mr James (Jim) Brown.<sup>1060</sup> Overall, we found that Bishop Holland showed a distinct lack of leadership, did not call alleged perpetrators to account and did not show compassion and pastoral care to survivors.<sup>1061</sup>

Bishop Roger Herft was Bishop of Newcastle from 1993 to 2005.<sup>1062</sup> We found that during Bishop Herft's tenure:<sup>1063</sup>

- very few allegations of child sexual abuse that police were not already aware of were reported to the police
- no disciplinary process was pursued against any member of the clergy in respect of whom allegations of child sexual abuse were made
- where the alleged perpetrator moved to another diocese, that diocese was generally not warned of the allegations
- survivors were not offered timely or compassionate pastoral care and support.

We found that Bishop Herft's approach to child sexual abuse allegations was generally avoidant rather than proactive. He mishandled the allegations of child sexual abuse made against two of the most senior and domineering priests in the diocese: Father Rushton, and Mr Graeme Lawrence, the dean of the cathedral. We found that his response was weak, ineffectual, and showed no regard for the need to protect children from the risk that they could be preyed upon. It was a failure of leadership.<sup>1064</sup>

In the *North Coast Children's Home* case study, we found that Bishop Keith Slater, who was Bishop of Grafton from 2003 to 2013:

- did not report allegations of criminal conduct made by two former residents of the North Coast Children's Home to the police<sup>1065</sup>
- did not refer claims of child sexual abuse to the professional standards committee or professional standards director under the diocese's professional standards framework<sup>1066</sup>
- did not commence disciplinary proceedings against Reverend Allan Kitchingman notwithstanding that Bishop Slater was aware that Kitchingman had been convicted of child sexual abuse offences and that he had the authority to discipline him.<sup>1067</sup>

In May 2013, Bishop Slater publicly acknowledged his mishandling of claims and resigned.<sup>1068</sup>

Archdeacon Greg Ezzy, who was then the administrator of the Diocese of Grafton, told us in the *North Coast Children's Home* public hearing that '[t]he leadership [of the Diocese of Grafton] failed in responding, particularly in responding'.<sup>1069</sup>

We found in the *Church of England Boys' Society* case study that bishops in a number of dioceses responded poorly to allegations against lay people and members of the clergy involved in or associated with the Church of England Boys' Society (CEBS).

Archbishop Ian George, who was Archbishop of Adelaide from 1991 to 2004, unreasonably delayed taking action in response to widespread allegations that CEBS leader Robert Brandenburg had sexually abused boys. We found that this delay denied appropriate pastoral support to Mr Brandenburg's victims.<sup>1070</sup>

The responses of the then Archbishop of Brisbane, Dr Peter Hollingworth, and the then Bishop of Tasmania, Bishop Phillip Newell, to allegations of child sexual abuse against CEBS leaders and clergy John Elliot and Louis Daniels respectively, were inappropriate and failed to take account of the survivors' and their families' needs and of the need to protect children in the Anglican Church.<sup>1071</sup>

We found that Bishop Newell was told in around June 1987 of allegations that Daniels had sexually abused three CEBS boys. Two of the boys personally disclosed the allegations to Bishop Newell with the help of two CEBS leaders. Bishop Newell did not encourage the complainants to go to the police. He accepted that he should have reported the allegations to the police even though the complainants were reluctant to have their parents notified.<sup>1072</sup> Bishop Newell told us:

If I had acted then, ignoring what they'd asked me, because they were boys, and done the adult thing and gone to the police, so much suffering would have been avoided. And I've expressed apologies before, but I do from the bottom of my heart to those three and, indeed, to anyone else who suffered because I didn't get that first point right and allowed Daniels to remain in office. I apologise from the bottom of my heart to them.<sup>1073</sup>

In the same case study, we found that Dr Hollingworth made a serious error in judgment in permitting Elliot to continue in ministry after Dr Hollingworth became aware that Elliot had sexually abused boys and posed an ongoing risk to children.<sup>1074</sup> Dr Hollingworth's successor, Archbishop Aspinall, took prompt and appropriate action in 2002, including establishing an independent inquiry into the handling of complaints of sexual abuse in the Diocese of Brisbane (the Brisbane inquiry), which investigated complaints against five individuals including Elliot, and arranging for Elliot to relinquish his holy orders. Archbishop Aspinall also apologised to Elliot's victims and offered them pastoral support.<sup>1075</sup>

As discussed in Section 12.5, 'Contemporary Anglican Church responses to child sexual abuse', we found in the *Anglican Diocese of Newcastle* case study that Bishop Brian Farran and Bishop Thompson met the challenge head on by exposing allegations of child sexual abuse within the diocese, taking appropriate responses against alleged perpetrators and providing survivors with pastoral care.<sup>1076</sup>

Bishop Thompson and other key figures in the diocese such as Mrs Jean Sanders and Mr Michael Elliott stand out in particular for their dedication, determination and diligence in seeking to uncover the extent of child sexual abuse in the diocese and in the compassion and care they showed for survivors and their families.<sup>1077</sup>

We also heard about instances where advice was provided to a diocesan bishop by other diocesan personnel or by people with expertise in relation to child sexual abuse, but the advice was poor or was not followed. For example, in the *Church of England Boys' Society* public hearing we heard about Bishop Newell seeking advice in relation to child sexual abuse matters on two occasions from more senior bishops, being successive primates of the Anglican Church, Archbishop Sir John Grindrod (also Archbishop of Brisbane), and Archbishop Dr Keith Rayner (also Archbishop of Melbourne). Bishop Newell acted upon the advice of Archbishop Grindrod in seeking a verbal assurance from Daniels in 1987, and of Archbishop Dr Rayner in sending a letter of solemn admonition to Daniels in respect of the same allegations in 1994.<sup>1078</sup>

We were critical of the response to the allegations of child sexual abuse against Daniels. We found that the letter of solemn admonition was an inappropriate response which had no regard for the need to protect children from further abuse.<sup>1079</sup> While we found that Bishop Newell was ultimately responsible for the Anglican Church's response,<sup>1080</sup> it follows that the advice provided by the primates was poor, and reflected an inadequate understanding of child sexual abuse issues more generally.

In the same case study we heard that Dr Hollingworth, while Archbishop of Brisbane, sought the advice of psychiatrist Dr John Slaughter in late July 1993 to understand what risk Elliot presented.<sup>1081</sup> We found that the information Dr Slaughter conveyed to Dr Hollingworth in around September 1993 was sufficient to alert him that Elliot posed an ongoing risk to children.<sup>1082</sup> In making the decision to allow Elliot to continue in ministry, Dr Hollingworth failed to take into account Dr Slaughter's opinion.<sup>1083</sup> This is an example of a bishop seeking expert advice but not following it.

In Chapter 20, 'Making religious institutions child safe', we make several recommendations aimed at improving the leadership of religious institutions. We consider that religious leaders should be provided with leadership training, including in relation to the promotion of child safety (Recommendation 16.36). They should also take advice from individuals with professional expertise on all matters relating to child sexual abuse and child safety, including lay men and women, to enhance their decision-making (Recommendation 16.37).

## Lack of oversight and accountability

In the *Institutional Review of Anglican Church institutions* public hearing, Archbishop Aspinall told us about what he described as 'a kind of informal collegial accountability' between bishops. However, he told us, 'They are not processes of formal accountability'.<sup>1084</sup> While there is limited peer accountability, the need for formal accountability is evident given the significant leadership failures in respect of responding to complaints of child sexual abuse. Archbishop Aspinall told us:

there is quite a body of feeling in the church that bishops must be held accountable by a body external to their own diocese; the accountability has to be held that way, because most of the key people within a diocese are either personally known to the bishop, so there are conflicts of interest, or have been appointed by the bishop, so there are conflicts of interest. So there needs to be an external body.<sup>1085</sup>

A particular issue in relation to the accountability of bishops in the Anglican Church is the capacity for complaints to be pursued against bishops, particularly bishops who have retired and are no longer subject to a complaints framework in a diocese. During the *Institutional review of Anglican Church institutions* public hearing we heard about a recent decision by the Appellate Tribunal of the Anglican Church of Australia that identified jurisdictional issues in relation to such complaints.

On 19 January 2017, the Appellate Tribunal of the Anglican Church of Australia handed down its decision in respect of an appeal by Bishop Keith Slater, the former Bishop of Grafton.<sup>1086</sup> Bishop Slater had been deposed from holy orders in October 2015 following a recommendation of the Diocese of Grafton's professional standards board, which found that various 'failings' had occurred in the manner in which Bishop Slater had managed or responded to complaints of child sexual abuse.<sup>1087</sup> Bishop Slater challenged the validity of that deposition (or alternatively sought a less punitive sanction that would permit him to remain a priest of the Anglican Church).<sup>1088</sup>

The Appellate Tribunal considered that the Grafton authorities had no jurisdiction over Bishop Slater under the *Professional Standards Ordinance 2004*, which it found did not in its terms or operation authorise the action that was taken against Bishop Slater.<sup>1089</sup>

The Appellate Tribunal explained in its reasons that the potential gaps in jurisdiction were at least twofold. First, it was relevantly necessary to show that Bishop Slater was a 'church worker' (as defined in the *Professional Standards Ordinance 2004*) to engage the professional standards board's jurisdiction, but he was not.<sup>1090</sup> The definition of 'church worker' expressly excluded the conduct of the diocesan bishop, given that he was subject to the jurisdiction of the Special Tribunal when he occupied that office.<sup>1091</sup>

Second, to engage the definition of 'process failure' on Bishop Slater's part, it was necessary to establish some failure on his part that occurred prior to the *Professional Standards Ordinance 2004* coming into effect, but that was neither attempted nor established.<sup>1092</sup>

The Appellate Tribunal went on to consider whether there was a constructive failure to exercise jurisdiction on the part of the professional standards board, having regard to the essentially non-disciplinary nature of proceedings under the *Professional Standards Ordinance 2004*.<sup>1093</sup> The Appellate Tribunal concluded that the professional standards board's report disclosed jurisdictional error on this ground as well. This conclusion followed from 'the failure of the [professional standards board's] Report to demonstrate that the Board's attention was always focussed on the issue of present unfitness'.<sup>1094</sup>

The potential ramifications of the Appellate Tribunal's decision are wide ranging. In particular, the decision highlights potential limitations on the ability of dioceses to deal with misconduct by retired bishops. In our view this is of concern, given what we have heard about process failures in Anglican Church institutions. While it is a matter for the Anglican Church of Australia, some of the bishops identified above are retired and beyond the reach of any existing complaint handling scheme.

The Royal Commission heard evidence from Mr Blake SC that a canon was being drafted at the General Synod level to attempt to address these issues.<sup>1095</sup> Mr Shand QC told us in the *Institutional review of Anglican Church institutions* public hearing that:

What I see as fundamental here is for each diocese to have proper professional standards legislation and proper episcopal standards legislation and that will go a great distance in meeting any perceived lacuna in reach against a former Diocesan Bishop.<sup>1096</sup>

As we outlined in Chapter 20, each religious institution in Australia needs to consider and implement mechanisms to ensure that religious leaders can be held accountable for the decisions they make with respect to child safety. That may be to a board of management or a council (Recommendation 16.38).

In our view, oversight and accountability in decision-making in the Anglican Church means having a uniform process for making complaints against leaders who fail in their responsibilities to complainants of child sexual abuse.

In Chapter 20, we discuss the adoption by the General Synod, in September 2017, of the *Episcopal Standards (Child Protection) Canon 2017*.<sup>1097</sup> This canon introduces a uniform mechanism for complaints against current and former diocesan bishops that relate to child sexual abuse and the handling of complaints of child sexual abuse. We note that in order for this to result in a consistent approach it will have to be adopted with minimal amendments by each of the 23 dioceses.

#### **Recommendation 16.1**

The Anglican Church of Australia should adopt a uniform episcopal standards framework that ensures that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse.



## 12.6.4 Conflicts of interest

We also heard about the impact of conflicts of interest on the responses of Anglican Church dioceses to complaints of child sexual abuse.

Here, we discuss what we heard about the impact of such conflicts of interest on the response of diocesan bishops and other senior Anglican personnel to complaints of child sexual abuse, in both the *North Coast Children's Home* and *Anglican Diocese of Newcastle* public hearings.

### Conflicts of interest of the bishop

In addition to being the spiritual leader of the diocese, the bishop has responsibility for disciplining clergy and church workers within his or her diocese.<sup>1098</sup> The diocesan bishop is singularly empowered to depose from holy orders members of clergy who are licensed or resident within their diocese.<sup>1099</sup>

In the *Anglican Diocese of Newcastle* public hearing we heard that, under the Diocese of Newcastle's professional standards framework, the recommendations of the professional standards board are not binding on the diocesan bishop (or other person or body having administrative authority to license, appoint, authorise, dismiss or suspend a church worker). Rather, the diocesan bishop has discretion as to whether to follow the recommendations.<sup>1100</sup>

In the *North Coast Children's Home* public hearing, Mr Philip Gerber (the Director of Professional Standards in the Diocese of Sydney) explained the significance of the diocesan bishop's role and exercise of constitutional powers under the professional standards framework:

[If] there is a finding against a member of the clergy and a recommendation is made, they are the final, as it were, imposer of the sentence, including having the right to mitigate and show mercy and apply a lesser sentence than that recommended by a tribunal.<sup>1101</sup>

Bishop Brian Farran, the former Bishop of Newcastle, told us in the *Anglican Diocese of Newcastle* public hearing that he was not aware of any mechanism for the diocesan bishop to give that decision-making power to someone else.<sup>1102</sup> He told us that, as the diocesan bishop, '[i]n many ways, [he] would have had a relationship with all of the clergy in the Diocese', who he was required to supervise and discipline. He acknowledged that this was one of the 'complicating factors' involved in the operation of the professional standards framework.<sup>1103</sup>

We heard that the professional standards board of the Diocese of Newcastle recommended the deposition of a member of clergy, former dean of the cathedral Mr Lawrence, following a determination that allegations of sexual misconduct against him were sustained.<sup>1104</sup> Bishop Farran, who had a longstanding friendship with Mr Lawrence, ultimately followed the recommendation and deposed Mr Lawrence from holy orders. We heard that he was originally minded not to follow the board's recommendations and was concerned about the impact upon parishioners if he were to depose Mr Lawrence.<sup>1105</sup>

Drawing on his experiences in the Diocese of Newcastle, Bishop Farran suggested the following during his evidence at the *Anglican Diocese of Newcastle* public hearing:

I think that this whole process should be removed from the church. I think it is too difficult for the church to undertake. I think that if you look into the future, membership of the church is going to decline fairly rapidly and that the availability of people with professional skills to be members of boards, this sort of board, will be limited. I think in terms of the person who had to undertake it as the Bishop, that's according to the ordinance, there is really huge potential of conflict of interest. I experienced that. I think probably of all the bishops in Australia at the moment I've probably, because of the number of cases that were through Newcastle and because of the high profile of them, I was the one who experienced it. I think that to act totally with integrity, you are subjected to huge pressures, and I think that that needs to be removed.<sup>1106</sup>

During the *North Coast Children's Home* case study, Bishop Slater, the former Bishop of Grafton, told us:

when the [professional standards] protocol was set up, it was set up so that the bishop was at arm's length, so when there were the opportunities to act as the bishop, that I wasn't being influenced by other matters. So I tried to work strongly from that position quite often, and that's why a lot of my responses are almost non-responses, in a sense.<sup>1107</sup>

Bishop Slater acknowledged that, as diocesan bishop, he was ultimately responsible for the application of and adherence to the *Professional Standards Ordinance 2004*, but stated that 'that's a conflict, in a sense – trying to exercise that oversight as well as keep at arm's length'.<sup>1108</sup>

In the *Institutional review of Anglican Church institutions* public hearing we heard that the Diocese of Melbourne has introduced amendments to its professional standards framework that provide that the bishop or other church authority must give effect to the recommended outcome of the professional standards process, with limited ability for discretion.<sup>1109</sup>

## Conflicts of interest of senior Anglican Church personnel in the Diocese of Newcastle

In the *Anglican Diocese of Newcastle* case study we found that a number of situations gave rise to actual or perceived conflicts of interest involving senior office holders in the Anglican Church.

For example, in 2001, Father George Parker was tried for child sexual abuse offences. Father Parker was represented in the proceedings by Mr Keith Allen, a diocesan trustee, and the acting deputy chancellor of the diocese, Mr Paul Rosser QC. A number of other Anglican Church office holders were also involved in the criminal proceedings on behalf of the Diocese of Newcastle.<sup>1110</sup>

We found that the diocesan registrar, Mr Peter Mitchell, and the dean of the cathedral, Mr Lawrence, each adopted obstructive approaches in response to police inquiries for information about Father Parker in the course of the criminal investigation. We also found that Mr Mitchell, who was a close friend of Father Parker, failed to produce diocesan records within the scope of a subpoena addressed to the registry during the criminal proceedings.<sup>1111</sup>

Bishop Herft, accepted that, as he was the Bishop of Newcastle at the time, he had a responsibility to ensure that officers in the diocese were not acting inappropriately in the criminal proceedings against Father Parker.<sup>1112</sup> Bishop Herft accepted that he failed to discharge this responsibility.<sup>1113</sup>

We also found that a number of perceived and actual conflicts of interest arose between the duties owed by lay officers who performed legal or quasi-legal roles on behalf of the diocese and duties they owed to clients in their private practice as legal professionals. For example, we heard that, as acting deputy chancellor in 1999, Mr Rosser QC, provided advice and settled correspondence on behalf of the diocese to survivor CKA in response to his complaint of child sexual abuse by Father Parker. We found that there was a clear conflict of interest between Mr Rosser QC's duty to the Diocese of Newcastle in acting as the deputy chancellor and his duty to his client, Father Parker.<sup>1114</sup>

In 2010 the then Bishop of Newcastle, Bishop Farran, raised concerns with Mr Rosser QC, by this time the chancellor of the diocese, about potential conflicts of interest in his representation of Mr James (Jim) Brown. Brown, a youth worker and licensed lay preacher in the diocese until about 1992, was facing child sexual abuse charges. In the *Anglican Diocese of Newcastle* public hearing, Mr Rosser QC ultimately accepted that a reasonable person would perceive a conflict of interest between his role as chancellor and his representation of Mr Brown.<sup>1115</sup>

Brown is to be distinguished from Father James Brown, who was a licensed priest in the Diocese of Newcastle. Father Brown, now deceased, was also accused of sexually abusing children.<sup>1116</sup>

We heard that there was a poor understanding among Anglican Church members about the nature and extent of duties owed by lay office holders to the diocese. The then Bishop of Newcastle, Bishop Thompson, told us about the impact of poor understanding of conflicts and duties on governance in the Diocese of Newcastle:

I've witnessed at the highest level people who played multiple roles and had conflicting duties of responsibility. As they sat among the trustees, as they sat on Diocesan Council, they clearly didn't disclose those conflicts at those meetings and then chose to reveal confidential information or bleed information out. People seem to be unaware of their responsibilities at the highest level about how to make wise and good decisions.<sup>1117</sup>

We heard that the Diocese of Newcastle took steps to adopt the Conflict of Interest Policy then in force in the Diocese of Perth in March 2013. The Conflict of Interest Policy comprised a set of guidelines to assist members of the diocesan council and other governance bodies in determining when and how declarations of interest should be made in situations involving competing interests. The policy was high level and provided guidance on the process for declaring an interest. In 2015 the Conflict of Interest Policy was updated to include a range of definitions of conflicts of interest, and examples of how to determine when a conflict existed.<sup>1118</sup>

In the *Anglican Diocese of Newcastle* case study we identified a lack of awareness of, or policies on, avoiding conflicts of interest as a systemic issue which contributed to poor responses to child sexual abuse matters in the Diocese of Newcastle.<sup>1119</sup> During the *Institutional review of Anglican institutions* public hearing, Bishop Thompson told us, 'Conflicts of interest arise around friendships, where [clergy who have allegedly] offended have been afforded a lot of protection at various levels, either at a committee level or in the local parish – people refuse to accept that their loved priest has been an offender'.<sup>1120</sup>

Further, these conflicts can give the impression to a survivor that the institution is supporting an alleged perpetrator over the interests of the survivor. In the *Anglican Diocese of Newcastle* public hearing, we found that when Mr Rosser QC acted for Father Parker at the same time he was deputy chancellor, it was inevitable that the impression would be given that the Anglican Church was supporting Father Parker and disbelieving CKA and CKB.<sup>1121</sup>

We consider that proper accountability and transparency in decision-making requires office holders to clearly understand the nature and extent of their duties and obligations to the diocese and its representatives.

In Chapter 20 we recommend that, as a matter of good governance, each religious institution should have a policy on managing actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which should cover all individuals who have a role in responding to complaints of child sexual abuse (Recommendation 16.39).

In the case of the Anglican Church, such a policy should cover members of professional standards bodies; members of diocesan councils, bishop-in-councils or standing committees of synods; members of the Standing Committee of the General Synod; and chancellors of and legal advisers to dioceses.

### **Recommendation 16.2**

The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers:

- a. members of professional standards bodies
- b. members of the diocesan council (otherwise known as bishop-in-council or standing committee of synod)
- c. members of the Standing Committee of General Synod
- d. chancellors and legal advisers for dioceses.

## 12.6.5 Lay involvement in the Anglican Church

I think there has been a generation that has been totally ignorant of the trauma of child abuse, as they have been ignorant of domestic violence, and have not had the language to talk about it, and that includes the church. I think a part of the challenge that we face is people understanding the nature of trauma in child abuse.<sup>1122</sup>

**Bishop Gregory Thompson, former Bishop of Newcastle**

One difference between the Anglican Church and other religious organisations we inquired into is the high level of involvement by lay people in the governance and operation of the Anglican Church.

We heard that the governance structure of the Anglican Church is designed to give lay people power so ‘that the church ought to be governed by the church, not by the officers’.<sup>1123</sup> We heard that ‘the carriage of major initiatives is very often in the hands of laypeople’.<sup>1124</sup> We discuss the positive role that lay people have had in relation to clericalism below.

We heard that the lay culture within a diocese can have a significant impact on a diocese’s response to child sexual abuse. During the *Institutional review of Anglican institutions* public hearing, Bishop Thompson told us about the culture of the Diocese of Newcastle:

You have high levels of lay involvement. You have relationships ... where people are aligned to groups, to factions. So within the diocese, let alone across the country, there are factions and allegiances which cut across a common response, particularly when there are beliefs and attitudes that have not come to terms with the abuse history.<sup>1125</sup>

Bishop Thompson told us in the *Anglican Diocese of Newcastle* public hearing that dioceses which ‘afford respect and recognition to the bishop and his responsibilities work well when there are not compromised systems and compromised leaders’. He said that in the Diocese

of Newcastle people of influence and power provided a ‘protection racket’, which made it ‘very hard for any change to emerge in the period of their leadership’.<sup>1126</sup>

Similarly, Bishop Farran told us that a limited number of people had long-term membership of various diocesan bodies over the years. He told us that it was ‘very difficult for people to challenge each other in those circumstances, because they had such lengthy and solid connections’.<sup>1127</sup>

The significant influence of some lay members in the Diocese of Newcastle is evident from the backlashes experienced by Bishop Farran and Bishop Thompson after they respectively publicly disclosed allegations of abuse against members of clergy within the Diocese of Newcastle and announced they would take disciplinary measures against those clergy.

We found in the *Anglican Diocese of Newcastle* case study that a cohort of lay people, some of whom had previously held office in the Diocese of Newcastle, opposed professional standards processes being applied to allegations of child sexual abuse against clergy. They also opposed the public airing of these allegations. In particular, we found that members of this group, including Mr Robert Caddies, were deeply loyal to former clergyman, and the dean of the cathedral, Mr Lawrence, and that such loyalty appears to have been based on personal friendships and longstanding pastoral relationships.<sup>1128</sup> Bishop Farran told us that ‘the vehemence of the Lawrence supporters concerned me in conducting my pastoral responsibilities or promoting harmony and the practice of Christian faith of the diocese’.<sup>1129</sup>

We found that Bishop Farran experienced a backlash from this group following his decision in late 2009 to take interim measures against Mr Lawrence and others pending disciplinary proceedings, and his decision to make public in 2010 the allegations that Father Rushton, who died in 2007, was a perpetrator of child sexual abuse. This backlash included the making of complaints about Bishop Farran.<sup>1130</sup>

We also found that Bishop Thompson experienced a backlash from a group of lay people within the diocese, some of whom had previously complained against Bishop Farran, including Mr Caddies and Mr John McNaughton AM. This backlash, which also involved the making of complaints against Bishop Thompson, was triggered by Bishop Thompson’s decision in October 2015 to go public about the sexual abuse that he says he suffered at the hands of Bishop Shevill and another senior member of clergy in the 1970s.<sup>1131</sup>

Mr Caddies, a lay member in the Diocese of Newcastle who had a long involvement in the governance of the diocese, told us that he and the other signatories ‘were desperately unhappy about the problems in the diocese’, including the ‘unfair’ treatment of clergy. He said that Bishop Thompson publicly disclosing his own experience of abuse to the media had ‘a negative impact on the Anglican community’ and damaged the ‘good reputation’ of Bishop Shevill. Mr McNaughton AM expressed similar sentiments and described Bishop Thompson’s conduct as ‘disgraceful’ and ‘scandalous’.<sup>1132</sup>

We found that the group's complaints corroborated Bishop Thompson's account of the 'perpetrator' culture within the diocese. We found that these complaints were designed at least in part to discourage the diocese from dealing with allegations of child sexual abuse. We were also satisfied that those who targeted Bishop Thompson failed to understand or respond appropriately to the sexual abuse of children.<sup>1133</sup>

While we primarily explored this issue in the *Anglican Diocese of Newcastle* public hearing, we heard that the influence of local lay cultures on the response to complaints of child sexual abuse may also be a factor in other dioceses. Bishop Tim Harris, then Administrator of the Diocese of Adelaide, told us during the *Institutional review of Anglican Church institutions* public hearing:

I wonder whether the culture of provincial gatherings where a few people hold significant power and influence is a particular area of vulnerability, so that whether it's the Wollongongs, Newcastles and Ballarats and others, has a particular local culture that things have been able to continue without check or challenge, because there is sort of a feature, and I think that would be an area within the church that those areas where there is a desire for independence of the major cities but lack of awareness historically of the vulnerability that comes with that and the danger when things are not challenged and investigated, I think is a significant element of our acknowledged failure as a church.<sup>1134</sup>

We recognise that these local cultures, when they do not prioritise the safety of children, can have a significant impact on the ability of a bishop to effectively lead a diocese, and can contribute to poor responses to allegations of child sexual abuse. In our view, these cultures can seek to reinforce the primacy and value of a particular church culture over the interests of both survivors and children.

During the *Institutional review of Anglican Church institutions* public hearing, Ms Audrey Mills, member of the Professional Standards Commission and Chancellor of the Diocese of Tasmania, told us about the ongoing challenge of cultural change in the Anglican Church:

We have really been on a journey. There has been a lot of change but there is still work to be done. It needs to be accepted that these issues are not just for leaders or for disciplinary bodies or for committees, it is actually an issue for everyone in our church and we all have a responsibility to play in that area and I think that is the ongoing challenge which we will continue to work through so that that can be properly understood.<sup>1135</sup>

We heard that the Diocese of Adelaide has recently developed training about safe church communities for all Anglican Church members, rather than specifically those in leadership or involved in ministry to children.<sup>1136</sup> Bishop Harris explained:

The intention of that is to move it beyond those who have direct contact with children and those areas, to an all-of-community response, so that we don't develop a sense of some people saying, 'Well, I don't have direct contact with children, therefore, it's not relevant



to me’, to actually saying, ‘No, the responsibility for a safe environment needs to cover the whole church community.’ That needs to be one in which we are consistent and recognising community standards and, I would hope, actually being an advocate for the need for community standards, to ensure that abuse doesn’t occur in the first place ...<sup>1137</sup>

We also heard that the Diocese of Newcastle, under the leadership of Bishop Thompson, made efforts to reform the culture within the diocese, including by conducting the ‘listening process’ and creating and implementing ‘parish recovery’ teams. Bishop Thompson also implemented the *Responsible Persons Ordinance 2015*, under which Mr Allen and other divisive members of the diocese were removed from governance positions within the diocese. These steps were necessary in order to reduce impediments that existed within the diocese for responding appropriately to allegations of child sexual abuse.<sup>1138</sup>

In terms of reforming the culture of the Anglican Church generally, Bishop Thompson told us during the *Anglican Diocese of Newcastle* public hearing:

I think compliance is one important step in the nature of a national response, practices and policies which are consistent and benchmarked to best practice, research based. But in the end, it is hearts and minds, and until we have hearts and minds convinced that child safety is of the highest order and that those who have suffered need to have proper redress, change will be slow.<sup>1139</sup>

As mentioned in Section 12.3, in 2004 the Anglican Church of Australia adopted *Faithfulness in service* as a code of conduct for bishops, clergy and church workers. In 2014, the General Synod adopted *Being together*, a ‘statement of expectations regarding the behaviour of members of Church communities’, and endorsed it for adoption by dioceses.<sup>1140</sup> For example, *Being together* sets expectations around being a community in the Anglican context, relating and communicating with each other, acknowledging difference and responding to conflict.<sup>1141</sup> The statement of expectations does not include reference to children or to the importance of child safety. We were told in the *Institutional review of Anglican Church institutions* case study that *Being together* has been adopted by some dioceses.

Given what we heard about the negative impact that church cultures that fail to prioritise child safety can have on institutional responses to complaints, we recommend that *Being together* or any other statement of expectations in relation to the behaviour of lay members of the Anglican Church include express reference to the importance of child safety.

### **Recommendation 16.3**

The Anglican Church of Australia should amend *Being together* and any other statement of expectations or code of conduct for lay members of the Anglican Church to expressly refer to the importance of child safety.

## 12.6.6 Clericalism

We discuss clericalism in relation to the Catholic Church in Section 13.11.3, 'Clericalism'. While it is a term more commonly used in the Catholic context, we heard that aspects of a clerical culture in the Anglican Church may have played a role both as a factor that contributed to the occurrence of child sexual abuse and as an impediment to appropriate responses to such abuse.

Notions of power, authority and responsibility are central to this concept. Professor Parkinson referred to clericalism as 'a theological belief system that the clergy are different from the laity; the clergy are in some sense brothers, in a male sense, have responsibilities to each other and there is a distinction between the clergy and the laity'.<sup>1142</sup>

Clericalism can result in the reputation of the clergy and church being placed above the needs of survivors of child sexual abuse.

Reverend Dr Kaye told us that the practice of Anglicanism retains aspects of clericalism which, albeit 'invisible', underlined much of what happened in the Anglican Church. He further observed that 'despite the extensive lay representation on governance bodies ... by virtue of the way in which [governance bodies operate]', at the parish level clergy still have 'significant power in relation to what happens and how people relate to [clergy]'.<sup>1143</sup> He described this as a 'power imbalance' and a 'power differential that develops for practical reasons in parishes, and often in dioceses, in terms of the relationships between clergy and laypeople'.<sup>1144</sup>

Archbishop Aspinall expanded upon the notion of clericalism with respect to the Anglo-Catholic and evangelical traditions. He observed that 'it can take an Anglo-Catholic form, where the priest is seen as having some kind of changed status and, therefore, to be revered and deferred to'.<sup>1145</sup> Archbishop Aspinall further told us that in the evangelical tradition, clericalism 'takes a different form, where the priest is seen as the qualified teacher, the one with the specialist knowledge, and is therefore to be deferred to and can exercise power out of that base, and abuse power in the same kinds of ways but from a different perspective'.<sup>1146</sup>

### The effect of clericalism upon the risk of abuse and the Anglican Church's response to abuse

In the *Institutional review of Anglican Church institutions* public hearing and other case studies, we heard evidence that suggested that:

- a culture of clericalism may have discouraged survivors and others from reporting instances of child sexual abuse, including reporting to the police

- historically, the reputation of clergy and the Anglican Church was placed above the welfare of survivors and
- consequently there was further abuse as complaints against perpetrators were not properly addressed.

All of these factors are interrelated.

In the *Institutional review of Anglican Church institutions* public hearing, Professor Parkinson was asked to comment on what effect or relationship clericalism had in respect of the occurrence of abuse and the response of the Anglican Church to that abuse. He told us that:

That culture of protection of clergy, that culture of dealing with things internally in a way that makes people discouraged from going to the police – that self-facilitates abuse, because somebody who has a tendency or an orientation towards the abuse of children is going to make a risk calculation. What happens if it is disclosed? If the risk of consequences is low, one is much more encouraged to do that than if the risk of consequences is high. So the culture of the church, in terms of how it will deal with these issues, if it comes out, is itself causative, or at least facilitative, of some sexual abuse in church communities.<sup>1147</sup>

Professor Parkinson referred, by way of example, to the Anglican dioceses of Adelaide and Brisbane, which have each been the subject of previous inquiries into their handling of allegations of child sexual abuse. For instance, he noted that, ‘in Adelaide, those who challenged the issues, those who tried to raise the issues above the parapet were attacked for doing so’.<sup>1148</sup> The report of the independent inquiry into the handling of claims of sexual abuse and misconduct in the Diocese of Adelaide, concerning the handling of allegations of child sexual abuse against numerous priests and leaders of CEBS (discussed in Section 12.3), ultimately stated:

The potential possibility of the involvement of the police, at the instance of the Church, was, seemingly, abhorrent. There was also, in some cases, a curious focus on extending compassion and forgiveness towards an offending cleric, almost to the total exclusion of proper consideration of the situation and needs of a victim. At times victims were cautioned against articulating their complaints by scarcely veiled threats of possible civil action against them for defamation.<sup>1149</sup>

Archbishop Aspinall told us that a culture of clericalism ‘leads to both parents and children over-trusting clergy and not questioning them when they should’.<sup>1150</sup> He also considered that, historically, church leaders have over-trusted clergy and not challenged them when they should have been challenged, so that there had been ‘a tendency to believe denials made by clergy rather than to thoroughly investigate’.<sup>1151</sup> This had the effect that ‘perpetrators have been allowed to continue because thorough investigations, when suspicions arose, have not been carried out’.<sup>1152</sup> However, Archbishop Aspinall considered that this aspect of clericalism had broken down over recent years, particularly as a result of our work.<sup>1153</sup>

Specific aspects of clericalism, particularly relating to the culture of protection of clergy among lay people, were addressed in the *Anglican Diocese of Newcastle* public hearing. As mentioned above, during the *Institutional review of Anglican Church institutions* public hearing, Bishop Thompson observed that within the Diocese of Newcastle, ‘people refuse to accept that their loved priest has been an offender’.<sup>1154</sup>

In the *Anglican Diocese of Newcastle* public hearing, we received evidence of deep cultural division in the Diocese of Newcastle, which centred upon protecting the reputation of the diocese and its former leaders. For instance, Bishop Thompson told us that there was a high level of sympathy within the diocese for clergy in relation to their treatment in disciplinary proceedings for professional misconduct. Specifically, Bishop Thompson told us that a large number of people held the view that disciplinary action taken against Mr Lawrence (an alleged perpetrator) and others by then Bishop Farran was unfair.<sup>1155</sup> In contrast, Bishop Thompson found that some Anglican Church members expressed little sympathy for victims and survivors of abuse.<sup>1156</sup>

Clericalism within the Anglican Church may also have facilitated the practice of ‘grooming’. For instance, in the *Institutional review of Anglican Church institutions* public hearing, Bishop Thompson gave evidence that the culture of the Diocese of Newcastle had ‘allowed [St John’s Theological College, Morpeth] to be a place where older offending clergy could nurture young emerging ordinands’ and that recruitment occurred through these ‘sexualised relationships’.<sup>1157</sup>

In response to a question from the Chair as to whether his evidence was that ‘there was gathered together a group of older ordained men who were seeking out younger men’, Bishop Thompson agreed that that was his reading of some of the relationships.<sup>1158</sup> Through this practice, he told us, ‘people are compromised early on in their ministry by older men, and are groomed to accept this as the normal rights or the entitlements of a priest’.<sup>1159</sup>

The problems arising out of abuse of power are broader than just the concept of clericalism, and potentially exist wherever there are relationships involving a power differential. For instance, Archbishop Davies stated that, in his view, the problems of the Diocese of Sydney with respect to abuse of power related to lay people rather than clergy, ‘particularly where a layperson would enter the safety of a church environment, became a leader of a youth group or whatever it might be, and then regrettably and ashamedly use the opportunities that they had to engage in terrible conduct’.<sup>1160</sup>

## Addressing issues of clericalism within the Anglican Church

We heard evidence of a number of measures that could address the culture of clericalism within the Anglican Church, including greater transparency and a greater role for women and the laity in the governance of the church. We also heard varying views on the need to change the form of addressing clergy, or the adoption by clergy of priestly attire.

We heard that greater transparency may assist in combating the particular aspects of clericalism which impact upon the Anglican Church's response to child sexual abuse. For example, Reverend Dr Kaye considered that there should be 'external auditing and public description' of the way in which child safety protocols are followed in parishes 'where those power differentials enable them not to be followed'.<sup>1161</sup>

We also heard evidence in the *Institutional review of Anglican Church institutions* public hearing that the increased involvement of women and laity in the governance of the Anglican Church has contributed to breaking down the culture of clericalism. Dr Porter, a member of the Standing Committee of the General Synod, told us that she had observed that where there 'are women present in leadership positions within the Church in significant numbers', including as 'archdeacons, bishops, parish priests', 'that level of clerical power dominance, certainly from my observation, has been very much reduced'.<sup>1162</sup> By way of example, Dr Porter referred to her personal experience on the Standing Committee of the General Synod, a role she has occupied for the last 28 years. She noted that when she was first elected, she was the only woman. Now, 30 per cent of members are women. She has observed a decrease in the level of formality adopted and a 'very discernible difference in the culture and the way in which we behave towards each other'.<sup>1163</sup>

Bishop Thompson similarly attributed a breakdown of the culture of clericalism in Newcastle to, in part, the involvement of women.<sup>1164</sup> Archbishop Aspinall also agreed that 'certainly the increased involvement of women in leadership at all sorts of levels has gone hand in hand with changes in culture to make the church safer'.<sup>1165</sup> Bishop Dr Sarah Macneil, the Bishop of Grafton, gave evidence that:

I have been ordained as a deacon, then as a priest and then as a bishop, since 1993, and in that over 20 years I have seen a significant shift away from clericalism, a significant shift towards a more open and transparent use of power and sharing of power between laity and clergy.<sup>1166</sup>

During the *Institutional review of Anglican Church institutions* public hearing there was also a discussion on whether the symbols of clergy authority, such as the collar and the title of 'Father' presented opportunities for offending.<sup>1167</sup> Archbishop Davies, while acknowledging that clericalism and 'corrupted power' was also something that was an issue for evangelicals,<sup>1168</sup> told us:

One of the issues from an evangelical point of view is the use of the title 'Father' for clergy. Jesus actually said, 'Call no man father', and I think that has been a significant aspect, particularly for vulnerable boys, where the fatherhood connection has been lost and the priest becomes the surrogate father, and by using the title 'Father' over and over again, we heard terrible evidence in Hobart, for example, with regard to one survivor saying he thought this is what fathers did.<sup>1169</sup>

Archbishop Philip Freier, Archbishop of Melbourne and Primate of the Anglican Church of Australia, told us that in his view the term ‘Father’ did not ‘necessarily import all of the opportunities of risk that might be being mentioned’.<sup>1170</sup> He said:

I personally think it is helpful for members of the clergy, ordained people, to be visibly seen as members of the clergy in public. I think that helps their accountability and I encourage certainly ordinands in my diocese to have confidence, because I think that puts them in a place where they are in public scrutiny.<sup>1171</sup>

Archbishop Freier, reflecting on whether the way clergy physically represent themselves, through the way they dress and the ceremonies they perform, was a causal factor in abuse, told us that, in his view, ‘there is a whole cultural expression of how symbols work’, and that ‘symbols can be corruptive as well’.<sup>1172</sup> Archbishop Freier told us that ‘you would want to really culturally locate signs and symbols because ... they are very influential and very powerful.’<sup>1173</sup> He explained that changing such symbols may not work without changing the culture underneath and ‘might simply transfer the risk’ elsewhere.<sup>1174</sup>

Archbishop Freier told us that causal factors within the Anglican Church of Australia included the ‘profoundly embedded cultural practice’ of ‘not thinking that children are reliable’ and ‘dismissing views that they had’ combined with an ‘almost unquestioning faith’ in authority figures.<sup>1175</sup> He told us:

So I think that, as I observe clergy in my diocese, who come and have Anglo-Celtic congregations, they would be highly questioned in those things, that kind of clericalism. The society has moved very greatly.

However, my diocese is certainly one which is highly multicultural and I observe that we need, and we are doing, a lot of education of these principles in people groups who come with, as I observe it, a very high deference to leadership generally, but leadership within the church and leadership within their cultural group ...<sup>1176</sup>

We note that the code of conduct for people in ministry in the Anglican Church, *Faithfulness in service*, explicitly refers to the special authority and power that clergy have in pastoral relationships,<sup>1177</sup> as well as in relation to children.<sup>1178</sup> Further, the *Safe ministry training benchmarks* published by the General Synod of the Anglican Church set out that Safe Ministry training for clergy and church workers should include information about the ‘positional power within ministry [and] non-ministry settings’ and the role of power in abuse.<sup>1179</sup>

### 12.6.7 Forgiveness and confession

During our inquiry, we have heard that one of the central beliefs or practices of Christian life is that of forgiveness. In relation to the Catholic Church, we discuss the sacrament of reconciliation in Section 13.11.10, ‘The sacrament of reconciliation’.

In that chapter we note that confession, penance, forgiveness and reconciliation are different names for the sacrament by which Christians believe that the sins they have committed are forgiven through God's mercy and they are reconciled with God and the rest of the believing community.<sup>1180</sup>

Unlike the Catholic Church, the Anglican Church does not recognise 'confession' as being a sacrament of the church.<sup>1181</sup> Rather, it is part of Christian practice and central to the Christian faith.

## Forgiveness

We heard that a culture of forgiveness may have contributed to poor responses to allegations of child sexual abuse in the Anglican Church of Australia. In the *Church of England Boys' Society* public hearing, we heard that in some cases there was a focus on extending forgiveness and compassion to an offender rather than properly considering the needs of the victim.<sup>1182</sup>

During the *Institutional review of Anglican institutions* public hearing we heard that the practice of forgiveness was 'theologically well-grounded' in the Bible and would be found 'across all three spectrums that we mentioned with regard to churchmanship', from Anglo-Catholic to evangelical dioceses.<sup>1183</sup>

Archbishop Davies went on to say that an essential part of the act of forgiveness was restitution and repentance:

forgiveness is corrupted when there is no restitution, when there is no true repentance and I think what has happened in the past is that there has been easy forgiveness, or shall I say cheap forgiveness, whereby a person has been forgiven thinking it is not going to happen again.<sup>1184</sup>

Archbishop Davies went on to tell us:

We are not aware of recidivism as an issue, we too easily forgave. I think at heart people almost didn't believe such behaviour could be engaged in in a church environment, I think it was actually a disbelief with regard to that, and that's why we didn't listen properly to children and when complaints were made, they were not properly addressed, and I've spoken publicly about that and given an apology with regard to that.

I think those are the causes, or part of the causes, that have allowed this horrific abuse of young people to occur in previous decades.<sup>1185</sup>

Bishop Dr Macneil agreed, telling us that a result of a culture of forgiveness, naivety and 'a lack of knowledge about the dynamics of perpetrators and the perpetration of sexual abuse', the Anglican Church has 'made itself vulnerable'.<sup>1186</sup>



Mr Blake SC told us that a significant factor in the poor response of the Anglican Church was ‘wholesale ignorance’ of the effects of child sexual abuse. He told us, ‘People just did not understand the serious, long-term consequences, and I think, again, that fed into very inadequate responses on behalf of the church’.<sup>1187</sup>

One consequence of both a culture of forgiveness and a poor understanding of child sexual abuse was that survivors would be encouraged to forgive the person who abused them. Similarly, third parties who raised complaints would be encouraged to forgive the person they had concerns about. As discussed in Section 12.4, ‘Early Anglican Church responses to child sexual abuse’, during the *Church of England Boys’ Society* public hearing the outcome of this was to minimise complaints and discourage complainants. Survivor BYC told us about his experience in the Diocese of Sydney:

In around 1987, when I was 21 years old, I told the minister at Pymble, Reverend Boak Jobbins, that I was going to take Jacobs to court. Reverend Jobbins told me to ‘let sleeping dogs lie’ and not to proceed. He also told me that, as a Christian, I had to forgive him.<sup>1188</sup>

We heard that in 1982, Mr Richard Kells, a CEBS youth leader, contacted Bishop Clive Kerle and reported his observations and concerns about CEBS leader, Simon Jacobs. Bishop Kerle told Mr Kells to ‘try to be forgiving and give [Jacobs] a second chance’. We found that the words spoken by Bishop Kerle indicated an acceptance of Mr Kells’ concerns. However, there was no evidence that Bishop Kerle took any action in response to these disclosures.<sup>1189</sup>

We also heard about a letter sent by the Archbishop of Brisbane, Dr Hollingworth, to survivor BYB’s brother about the Diocese of Brisbane’s response to John Elliot. The letter stated that ‘the Christian rule is one of forgiveness and reconciliation’ and ‘if he ever does this kind of thing again he knows that I will remove his Licence immediately’. We found that Dr Hollingworth’s letter to BYB’s brother was inappropriate and insensitive.<sup>1190</sup>

These responses demonstrate the way in which the principle of forgiveness can be used to discourage a complainant, whether a survivor or a third party, from pursuing their complaint.

Bishop Dr Peter Jensen told us in the *Church of England Boys’ Society* public hearing that a culture of forgiveness can be spiritually abusive to survivors:

Central to the Christian faith is forgiveness and when you’re a Christian you know that. Unfortunately, the word ‘forgiveness’ can be abused to further abuse victims because the victim – say the victim is believed or the survivor is believed, which is hard enough to start with sometimes, but say the survivor is believed then it is so easy for the person who believed them to say, ‘Well, you’re a Christian, you must forgive’, to which I say this is a very, very shallow view of what the Christian faith entails and really what we are often doing by a constant plea that survivors forgive is re-abusing them spiritually.<sup>1191</sup>

Bishop Dr Jensen explained that forgiveness was important, but part of a process:

What we must do is stand with such a person and help them through a place where they can forgive, that's part of the Christian life, that's true, but we must remember that it is a process and not something that simply can be done like that.<sup>1192</sup>

During the *Institutional review of Anglican Church institutions* public hearing we heard from professional standards directors about how a culture of forgiveness and proper risk management of persons of concern may weigh against one another. Mr Michael Elliott, Professional Standards Director for the dioceses of Grafton and Newcastle, explained that forgiveness was 'a principle of Christianity and it is in conflict with proper risk management at times'.<sup>1193</sup> Mr Greg Milles, Professional Standards Director for the dioceses of Brisbane, Northern Territory, North Queensland and Rockhampton, and Ms Claire Sargent, Professional Standards Director for the dioceses of Melbourne, Ballarat, Bendigo and Wangaratta agreed that the culture of forgiveness can be in conflict with risk management.<sup>1194</sup>

All of the professional standards directors who gave evidence during the *Institutional review of Anglican Church institutions* public hearing told us that they had experienced some reluctance on the part of some clergy to 'risk manage' known persons of concern. Ms Tracie Chambers-Clark, Professional Standards Director for the dioceses of Perth, Bunbury and North West Australia, told us that:

In the very early start of my career, yes, there seemed to be some reluctance around this process, and I think that priests felt that the offender had done their time, they had sought forgiveness, you know, repentance, but I wasn't so easily convinced and I actually organised a professional development day and asked the Sex Offenders Management Squad to come and address the clergy, and that was a real starting point in clergy going, 'Ah, I see why this is an important process.'<sup>1195</sup>

Mr Lachlan Bryant, Professional Standards Director for the Diocese of Sydney, told us:

It can be present. Most of the time, in my view, through education, it is simply a no-brainer. Forgiveness doesn't sort of make this person a safe person, whether they are forgiven or not. So as long as we are continuing to keep child protection issues on view, I think people resisting this – it's in decline, and I think they are going against the grain.<sup>1196</sup>

We were told in the *Institutional review of Anglican Church institutions* public hearing that the culture of forgiveness had become more nuanced in that it recognised that there is a difference between forgiveness and trust.<sup>1197</sup> Mr Blake SC told us:

If I can just touch upon forgiveness, I agree with everything that has been said, but I think there was an aligning of forgiveness and trust, and I think that the practice of forgiveness was to say, ‘Once you are forgiven, we now trust you’, and there is a difference, I think, between forgiveness and trust, which we now recognise, which, in its practice, was not always recognised ...

I think there has been a real emphasis that genuine forgiveness requires an act of reparation. You just can’t go to the priest and say, ‘I’m very, very sorry, I’m contrite’, and expect that there would be no act of reparation, and with child sexual abuse – and this appears in various of our policies – it would be incumbent on the minister, the priest, to encourage the person confessing to go to the police or make other reparation that may be appropriate.<sup>1198</sup>

## The seal of the confessional and confidentiality

In the *Church of England Boys’ Society* and *Institutional review of Anglican Church institutions* public hearings we heard evidence about issues relating to the ‘seal of the confessional’ and confidentiality in the Anglican Church. This section sets out what we heard about the seal of the confessional and confidentiality in the Anglican Church as a contributing factor to poor responses to allegations of child sexual abuse.

Confession operates differently in the Anglican context compared to the Catholic Church. Archbishop Freier told us, ‘I think that in many cases private confession is not common in the Anglican Church. It certainly is not anonymous, in that we don’t have, as probably people might conjecture from movies, a confessional box or some other place’.<sup>1199</sup>

Instead, Archbishop Freier told us, confession usually occurs in a congregational context as part of a church service, and *The Book of Common Prayer* sets out that those who cannot ‘quieten their conscience should seek out a learned minister to work through these things’. Therefore, when private confession did occur, it would be ‘within a well-known pastoral context’.<sup>1200</sup> Likewise, Archbishop Davies told us that it was not common to have private confessions in the Diocese of Sydney.<sup>1201</sup>

We heard during the *Institutional review of Anglican Church institutions* public hearing that *A Book of Common Prayer, An Australian Prayer Book* and *A Prayer Book for Australia* provide for private confession, meaning that it is part of the authorised liturgy and practice of the church.<sup>1202</sup> Mr Blake SC told us that it is difficult to get any statistical information about the occurrence of private confession in the Anglican Church.<sup>1203</sup>

In 2014 the Doctrine Commission of the General Synod reported to the General Synod on private confession and noted ‘the increasing evidence that the ... “seal of the confessional” has sometimes been used to conceal wrongdoing, especially in relation to child sexual abuse’.<sup>1204</sup>

During our inquiry, we heard that there were disagreements about the practice of confession within the Anglican Church and that this related to differences in theological practice within the Anglican Church. In the *Church of England Boys’ Society* public hearing, Bishop Dr Jensen told us that:

There is a dispute in our church, in our Anglican Church about this, with the more Catholic wing of the church embracing the idea of the seal of the confessional, whereas when I was a theological student in the 1960s, I was taught there is no such thing as the seal of the confessional.<sup>1205</sup>

Bishop Gary Nelson, the Bishop of North West Australia, stated that:

One area where this difference of views regarding the authority of the Bible may have an impact concerns the confessional. Those holding an orthodox or evangelical viewpoint may approach the issue of people confessing sins in a formal context differently to those who do not hold traditional understanding of the Bible’s authority. For these clergy in the second category, any confession made to a priest is virtually sacrosanct. Evangelicals, though committed to confidentiality, would not regard criminal offences, especially child sexual abuse, as confessions to be automatically protected.<sup>1206</sup>

## **The Anglican Church and confession**

During the *Institutional review of Anglican Church institutions* public hearing, Mr Blake SC explained that the seal of the confessional in the Anglican Church of Australia was inherited when the Church of England broke away from the Catholic Church.<sup>1207</sup> A limited exception (in Canon 113) was introduced in 1603 when the Church of England revised the Canons, but this exception was ‘generally thought only to relate to treason’.<sup>1208</sup>

When the Anglican Church of Australia was formed in 1962 it inherited the applicable Canons of the Church of England,<sup>1209</sup> including Canon 113. In 2014, the Doctrine Commission of the Anglican Church of Australia concluded that Canon 113 ‘establishes both that such confidentiality is of the utmost importance, and also that exceptions could be made under extraordinary circumstances’.<sup>1210</sup>

Mr Blake SC also noted the section in the schedule to the 1962 Constitution, which ‘provides that any rule of the church which is inconsistent with the written or unwritten law of the jurisdiction, is null and void’.<sup>1211</sup> This would mean that any rule of the Anglican Church inconsistent with, for instance, mandatory reporting, would be null and void.<sup>1212</sup> Mr Blake SC told us that this was still not well understood within the Anglican Church.<sup>1213</sup>

In 1989, the General Synod repealed Canon 113 and replaced it with the *Canon Concerning Confessions 1989*, which established the seal of the confessional except with the consent of the person seeking confession.<sup>1214</sup> This canon was adopted by every diocese except one, although the Diocese of Sydney later excluded the canon.<sup>1215</sup>

Mr Blake SC told us that in 1998 he moved, as a private member, a canon requiring the disclosure of confessions of child sexual abuse. The motion was debated but not put to a vote. Instead, a committee was formed (of which Mr Blake SC was chair) which reported to the General Synod in 2001 that, under the *Canon Concerning Confessions 1989*:

if someone approached a member of the clergy to make a confession of child sexual abuse and indicated they were not prepared to go to the police, ... that would not be a valid confession and therefore the seal wouldn’t apply ... I was satisfied that a confession could not be used as a cover-up.<sup>1216</sup>

In 2006 and 2011, the bishops of the Anglican Church developed guidelines to provide clergy with information about hearing confessions relating to child sexual abuse.<sup>1217</sup> These guidelines provide that absolution is to be withheld from ‘penitents’ who disclose child sexual abuse. Further, the guidelines make clear that confessions relating to child sexual abuse are heard by priests holding a special licence or authority. During the *Institutional review of Anglican Church institutions* public hearing, Archbishop Freier told us that referring someone to a priest who is authorised to hear confessions of child sexual abuse was possible because confession, when it occurred, would be ‘within a well-known pastoral context of individuals’.<sup>1218</sup> As the person confessing would normally be known to the priest, referring them elsewhere was ‘very workable, rather than unworkable’.<sup>1219</sup>

As noted above, in 2014 the Doctrine Commission reported on private confession to the General Synod. The Doctrine Commission argued in favour of reforms to address this issue in the interest of the ‘the welfare of others’.<sup>1220</sup>

The Doctrine Commission concluded that there are ‘clear deficiencies with the principle of absolute confidentiality’,<sup>1221</sup> including that absolute confidentiality privileges the penitent confessing to serious crimes above victims and that the pastoral priority in all matters of abuse must lie with victims and potential victims.<sup>1222</sup> The Doctrine Commission reaffirmed the importance of confidentiality as a general principle but recommended that:

Absolute confidentiality should not apply to confessions of serious crimes and other acts that have led or may lead to serious or irreparable harm, including domestic violence and sexual offences against children. In these cases, a minister should encourage the penitent to go to the police voluntarily, and accompany the person to ensure that this happens and to provide support. If this does not happen then the minister may reveal the contents of the communication to the appropriate civil or church authorities only.<sup>1223</sup>

On 2 July 2014, the General Synod voted to amend the *Canon Concerning Confessions 1989* so that clergy would no longer be required to maintain the seal of confession in relation to information about serious crimes, as follows:

where a person confesses that he or she has committed a serious offence an ordained minister is only obliged to keep confidential the serious offence so confessed where the ordained minister is reasonably satisfied that the person has reported the serious offence to the police ...<sup>1224</sup>

During the *Institutional review of Anglican Church institutions* public hearing, Mr Blake SC told us that there has subsequently been a procedural issue relating to the validity of this canon and that the matter would be revisited at the next General Synod in September 2017.<sup>1225</sup> Mr Blake SC told us that this initiative would abolish any confidentiality requirement in relation to confessions of child sexual abuse, child pornography or 'a grave offence against a vulnerable person'.<sup>1226</sup>

We note that the explanatory memorandum to the canons being proposed for the General Synod states that the exception is designed to be 'permissive ('may reveal'), not coercive ('must reveal')'.<sup>1227</sup> This means that the priest is able to reveal the contents of the confession to church and civil authorities, but there is no requirement.

We understand that the initiative to amend the canon had the broad support of the House of Bishops (as we noted in Section 12.1, 'Structure and governance of the Anglican Church', the General Synod of the Anglican Church is divided into the House of Bishops, the House of Clergy, and the House of Laity). At their annual Bishops Conference in 2017, the House of Bishops issued an updated protocol on private confession.<sup>1228</sup> Archbishop Freier, Bishop Dr Macneil and Bishop Geoffrey Smith, the Archbishop of Adelaide, told us that they would support that initiative at the General Synod.<sup>1229</sup>

Archbishop Davies told us that the Diocese of Sydney would be unlikely to adopt the proposed canon as there was no legislation for confessions in the diocese.<sup>1230</sup> Archbishop Davies confirmed that their practice would be to report disclosures of child sexual abuse received during confession.<sup>1231</sup>

In 2017, following the *Institutional review of Anglican Church institutions* public hearing, the General Synod passed two amending canons relating to confession at its 17<sup>th</sup> Session.<sup>1232</sup>

The explanatory memorandum accompanying these canons notes that ‘all dioceses are likely to support a modification to the [*Canon Concerning Confessions 1989*] to provide a limited exception to confidentiality in relation to a confession of child abuse’.<sup>1233</sup> However, it says most, but not all, dioceses are likely to support a further exception to confidentiality for ‘non-criminal conduct that puts “a vulnerable person at risk of significant harm”’.<sup>1234</sup> As a result dioceses are able to adopt either the:

- *Canon Concerning Confessions (Revision) Canon 2017* that creates the exception to confidentiality for a ‘grave offence’, defined as conduct that amounts to ‘child abuse’.<sup>1235</sup>
- *Canon Concerning Confessions (Vulnerable Persons) Canon 2017* that expands the definition of ‘grave offence’ to ‘include abuse of a vulnerable person, and expands the exceptions to confidentiality to include non-criminal conduct that is reasonably believed to put a vulnerable person at risk of significant harm’.<sup>1236</sup>

In Volume 7, *Improving institutional responding and reporting*, Chapter 2, ‘Reporting institutional child sexual abuse to external authorities’ and the *Criminal justice* report, we recommend that people in religious ministry should be subject to obligations to report under mandatory reporting laws and the proposed ‘failure to report’ offence, including when they have knowledge or suspicions of child sexual abuse formed on the basis of information received in connection with religious confession (Recommendation 35).<sup>1237</sup> These recommendations will help to ensure that risks to the safety of children are minimised, by requiring that disclosures of child sexual abuse in confession are reported to civil authorities.

### **The use of the seal of confession or confidentiality**

During the *Church of England Boys’ Society* public hearing, we heard that the ‘seal of confession’ was used to silence a survivor, Mr David Gould. Mr Gould disclosed to Bishop Newell in 1997 that he had been sexually abused by Louis Daniels.<sup>1238</sup> Mr Gould told us that:

Daniels said he would hear my ‘confession’ and then I would be forgiven. He said to me, ‘we can fix the problem, God will absolve you. I am a priest and I can act for God in this way.’ Daniels explained to me the theology of confession and that he was bound as a priest to keep it in confidence between me, him and God. Daniels then heard my confession in his backyard.

Daniels’ tactic to silence me profoundly affected me. It put the moral responsibility on me. It meant the secret would stay with him and also guaranteed my silence as I felt bound to keep the contents of my confession confidential, just as he did. For many years I shouldered the entire blame for the abuse. I felt intense resentment for this abuse of his authority as a priest. This to me is more significant than any physical abuse I suffered.<sup>1239</sup>



We are mindful that that use of the confessional described above, by a perpetrator to silence his victim, is different from the scenario where a priest receives a disclosure of child sexual abuse by a perpetrator in the course of his or her ministry. Nonetheless, it demonstrates the impact that the ‘seal’ or ‘confidentiality’ can have on a survivor. Mr Gould said, ‘I felt bound to keep the contents of my confession confidential, just as [Daniels] did’.<sup>1240</sup>

While not directly related to the seal of the confessional, we also heard about other incidents relating to clergy keeping information about child sexual abuse under an oath or seal of confidentiality. In the *Church of England Boys’ Society* public hearing, we heard about BYG disclosing child sexual abuse by Daniels to Bishop Newell. BYG told us:

I told him that I did not want my parents to know due to the psychological problems they had, so I asked him not to tell them. Bishop Newell said our conversation would be under the Bishop’s Seal ...

Bishop Newell asked if I would be prepared for him to tell others about what we had discussed. Bishop Newell said he was going to Melbourne and would like to talk to senior colleagues. He asked if I would release him from his Seal in order to do so and I said yes ...<sup>1241</sup>

Likewise, during the same public hearing, BYD told us that in around 1989, around the time of Simon Jacobs’s committal hearing, New South Wales Police had told her that Reverend Jobbins had refused to speak to them about Jacobs, citing his ‘oath of confidentiality to the Church’.<sup>1242</sup>

## 12.6.8 Selection, screening and supervision

### Selection and screening

We heard in the *Institutional review of Anglican Church institutions* public hearing that, historically, selection and screening of potential candidates for ordination in the Anglican Church was inadequate. We heard that this contributed to the occurrence of child sexual abuse by members of clergy and lay people, and to poor institutional responses.

For example, Bishop Tim Harris then Administrator of the Diocese of Adelaide, now Assistant Bishop, Diocese of Adelaide, agreed that there had been ‘significant failures’ and ‘lack of accountabilities’ in this respect,<sup>1243</sup> and Bishop Bradly Billings, Assistant Bishop, Diocese of Melbourne, acknowledged that ‘there have been failures in the past in that respect’.<sup>1244</sup> Reverend Archie Poulos, Head of Ministry, Moore Theological College, Director of Moore College’s Centre for Ministry Development, in the Diocese of Sydney similarly observed, ‘you would have to say that those concerns about selection and training have had a significant impact, because why do we have offenders?’<sup>1245</sup> He went on to stress the need to engage in ‘prophylactic support of people so before the events occur we actually need to be engaging with people to prevent it happening’ and ‘to develop clearer processes to help the clergy ensure that there is safe ministry everywhere’.<sup>1246</sup>

Inadequate screening was also an issue for lay people. Archbishop Davies of the Diocese of Sydney told us that ‘inadequate screening of our laypeople in past years allowed people with corrupt motives to abuse young boys, in particular, but also girls’.<sup>1247</sup>

In the *Church of England Boys’ Society* case study we found that there were no screening or background checks of CEBS leaders during the 1970s and 1980s, and no training for CEBS leaders on child protection.<sup>1248</sup>

A particular example which arose in the *Anglican Diocese of Newcastle* case study related to St John’s Theological College, Morpeth (Morpeth College). Reverend Lance Johnston, whose two daughters were sexually abused by Robert Ellmore at Morpeth College, told us in that case study of ‘a serious problem with screening of candidates at Morpeth College’.<sup>1249</sup> He said there was an incorrect perception among Anglicans that students of Morpeth College had been screened by the college.<sup>1250</sup> Bishop Farran also said that ‘[Morpeth College’s] selection processes were very poor’.<sup>1251</sup>

In fact, students enrolled in Morpeth College were nominated or sponsored by the diocesan bishop (except in one or two cases where students self-nominated). Once students were nominated by the diocesan bishop, they were enrolled at Morpeth College as a matter of course. The nominating diocese would then pay the students’ college fees throughout their studies. Morpeth College itself did not undertake any interview or screening processes to determine the suitability of candidates for study or ordination. The college considered this to be the responsibility of the nominating diocese.<sup>1252</sup>

In the *Institutional review of Anglican Church institutions* public hearing, Bishop Thompson told us that the high proportion of perpetrators recognised at St John’s College in Morpeth ‘may reflect on the selection process or the lack of selection process from other dioceses to go there, and the climate of mentoring which was afforded the students, sometimes by priests outside the college’.<sup>1253</sup>

We heard that one of the reasons why there may have been poor screening practices was cultural attitudes towards issues like forgiveness and confessions. During the *Church of England Boys’ Society* public hearing, Dr Slaughter, who was a member of the Diocese of Brisbane’s selection panel for clergy, told us in a statement that:

I often felt that Church people were too trusting and naive, especially in their dealings with seriously troubled people who sought ordination. I believe this was due to the traditional belief that confession and forgiveness would lead to people changing their ways.<sup>1254</sup>

During the *Institutional review of Anglican Church institutions* public hearing we heard that screening practices for candidates for theological colleges and ordination were ‘in line with’<sup>1255</sup> or informed by<sup>1256</sup> several models created by the Professional Standards Commission of the Anglican Church since 2004. These policies include the Safe Ministry Check – Ordination

Candidates, Clergy and Paid Church Worker Positions – Applicant and Referee’s Screening Questionnaire,<sup>1257</sup> and the Guidelines for Dioceses Undertaking Risk Assessments Relating to Sexual Abuse.<sup>1258</sup>

The Professional Standards Commission also developed a document titled ‘A process for the comprehensive psychological assessment of candidates for ordination’ in November 2012, which included the recommendation that a diocese implement ‘some form of psychosexual assessment’, ‘together with additional questions about psychosexual maturity to be used during the interview.’<sup>1259</sup>

Bishop Billings confirmed that the Diocese of Melbourne’s testing regime has been informed by that document.<sup>1260</sup> Bishop Harris told us that at the end of 2016 the Diocese of Adelaide reviewed this document and decided to shift from an organisational psychologist to a clinical psychologist because they ‘were not satisfied [the psychosexual dimension] was intentional enough’.<sup>1261</sup>

Conversely, in a statement provided in the lead-up to the *Institutional review of Anglican Church institutions* public hearing, Bishop Rob Gillion of the Diocese of Riverina told us that there were no policies or practices in the diocese in which psychological testing of candidates is required for training or ordination. Instead, a selection board comprising laity and clergy is used to assess suitability.<sup>1262</sup>

Likewise, Bishop Greg Anderson of the Diocese of the Northern Territory told us that there has not been a practice of conducting psychological assessment of ordination trainees or candidates. He said:

there has not been a policy or practice of psychological assessment for theologically trained people who come to the Territory for ministry and are subsequently ordained. Because of the particular psychological pressures attached to ministry in the Northern Territory, such as remoteness, isolation, violence and cross-cultural dynamics, attention is being given to this gap. A package of Safe Ministry practices is being adopted, and implementation is beginning.<sup>1263</sup>

As mentioned above, there are significant structural and cultural barriers that prevent consistency of practice across the Anglican Church of Australia. There is no national approach to the selection, screening and training of candidates for ordination.

During the *Institutional review of Anglican Church institutions* public hearing, there was discussion about how the various dioceses and theological colleges could work together to share best practices in respect of ‘formation’ in an Anglican context. For instance, Reverend Poulos told us that, while at the time of the hearing there were some informal discussions between people who work in this space, there was no formal process.<sup>1264</sup>

Bishop Billings told us that, at the time of the public hearing, there was a national gathering planned for July 2017. The purpose of the gathering was for people working in the ‘formation’ field in a diocesan setting or a college setting to ‘come together and share best practice’.<sup>1265</sup>

Bishop Harris told us that:

I think there is an unnecessary individualism amongst the culture that probably comes as a by-product of the wider political nature of the Anglican Church, but a level below that, I think there is a lot of common mind and a willingness to learn from and to benefit from interaction across the colleges from those who approach it less out of a political environment of perhaps General Synod but more out of common concern of mission and ministry and much has been shared.<sup>1266</sup>

Bishop Harris told us that the best results for working collaboratively may occur outside the formalities of a General Synod direction, but around an agreement to adopt professional best practice and to be accountable to one another as colleagues.<sup>1267</sup>

In Chapter 20 we consider and make recommendations to all religious institutions about the selection, screening and training of candidates for religious ministry. We recommend that, as part of a suit of screening mechanisms, all candidates for religious ministry should undergo external psychological testing, including psychosexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children (Recommendation 16.42). We also recommend that religious institutions should have targeted programs for the screening, initial training and professional supervision and development of people from overseas who come to work in their institution. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety (Recommendation 16.46.)

We have discussed the *Disclosure of Information Canon 2017* in Section 12.3. This canon introduces a protocol for sharing ministry suitability information internationally between the provinces of the worldwide Anglican Communion. We discuss the *Safe ministry training benchmarks* developed by the Professional Standards Commission and the *Safe Ministry to Children Canon 2017* in Chapter 20. In that chapter we include discussion on training on child sexual abuse in the Anglican Church and note that training is also an area where there are divergent practices across the 23 dioceses.

#### **Recommendation 16.4**

The Anglican Church of Australia should develop a national approach to the selection, screening and training of candidates for ordination in the Anglican Church.

## Supervision and support of clergy and others involved in ministry

Inadequate supervision and support of clergy and others involved in ministry may also have been a contributing factor to the risk of abuse.

In the *Institutional review of Anglican Church institutions* public hearing, we heard that both students for ordination and ordained clergy face pressures that in turn heighten the risk of abuse.

Mr Blake SC told us that, in his experience, there were generally two categories of offenders in the Anglican Church of Australia. He said:

There has been the predator, the one who has infiltrated the church with an intention of grooming children and abusing them, but I think there has been another category of abuser who has, through being unwell, really broken boundaries progressively and incrementally and often through stress and burnout and without adequate supports in their ministry have ultimately ended up abusing children.<sup>1268</sup>

These pressures, and the potential nexus with the risk of abuse, were encapsulated by Reverend Poulos in the following terms:

The very position that clergy are in is one of trust, and we have to be very careful to not misuse that trust. And so we want to make sure that along with heightened trust comes heightened responsibility. That's one of the things that we work hard with our students in. And as Bishop Billings has just said, too, there are pressures like the loss of income, the loss of position in society, even, because of the former careers that they once had. That does cause people to live in extreme circumstances, which I am really glad happens during their theological college days, because it is in those days you can often see how people will respond under pressure, and so we are constantly looking for those times of pressure to see how people are responding, because often things like abuse will occur when you are under pressure. So I think that there are those sorts of things that do happen to them. Yes.<sup>1269</sup>

On the pressures facing ordained clergy, Bishop Harris observed that:

There are significant pressures on clergy, and I believe growing pressures. One between the public and private life, and there is a disconnect between the way that people present themselves and have accountabilities publicly and what is happening in their own personal self. That is a significant pressure. That would be true of many other people in public life. But there is also a vulnerability that comes with fear of complaint and accusation, so that there is awareness of increasing requirements for compliance and so on that are stressful in case there are breaches within that, but I think that is also a question of balancing education and awareness together with provisions for further support.<sup>1270</sup>

Likewise, Bishop Billings told us that the clergy is one of the few professions where the living space is often co-located with the work space. Additionally, parish-based clergy have high levels of discretionary time and do work which is exhausting and demanding.<sup>1271</sup>

In this context, we heard evidence that, in such circumstances, adequate support structures and supervision were very important.<sup>1272</sup> Historically, the prevailing view may have been that clergy could carry out ministry without support. For example, Mr Blake SC noted that ‘the idea of mentoring or supervision was not something commonly promoted, or, if promoted, was taken up by clergy’, although he believes that this has changed.<sup>1273</sup>

The need for professional supervision and support for clergy was raised at a national level in the 2004 report of the Child Protection Committee titled *Making our church safe: A programme for action*. The report stated, ‘We are concerned that the direct relationship between unhealthy ministry practices and the abuse of others by clergy is not widely understood. We would encourage dioceses to continue to promote healthy ministry practices by their clergy’.<sup>1274</sup>

It also recommended that each diocese should have a system of ministry support for its clergy, and that this should include peer support, mentoring, professional supervision or consultation, and ministry review.<sup>1275</sup>

The General Synod resolved that each diocese should adopt these processes.<sup>1276</sup> Although this approach was recommended by the General Synod in 2004, we heard that systems of ministry support which have these elements are still being developed by dioceses.

Reverend Poulos told us that the Diocese of Sydney has formed a diocesan committee to consider the development of a formal program for the supervision and development of clergy. Reverend Poulos told us that ‘the committee began meeting informally in about 2011, just because we perceived, back then, there was actually a need to have supervision’.<sup>1277</sup> He explained that:

We started exploring supervision, by which we mean somebody that is not your line manager, a supervisor to whom you go, with a threefold goal: that is, formative, that is, to help you to be a better practitioner; normative, to ensure that you are adhering to absolutely rigorous ways of operation; and the third one is restorative, so that if you do fall in a heap, to try and help you to make good progress.<sup>1278</sup>

Bishop Billings told us that the Diocese of Melbourne, as of this year, has implemented a system of annual review as part of the Archbishop of Melbourne’s clergy wellbeing program. The program otherwise involves access to resources and an employee assistance program which is available to clergy and their families. Additionally, the program uses the ‘deaneries’ as a structure of running small groups which aim to ‘promote clergy wellbeing and mutual encouragement and accountability’.<sup>1279</sup>

Bishop Harris gave evidence that he will be advocating that:

[There should be] a stronger requirement for required supervision, not in the ministry sense but in the professional sense, so there is a requirement to have someone who has permission and is tasked with really exploring the inner life and what might be some of the trigger points that are occurring, and especially to identify stress and burnout sooner rather than later.<sup>1280</sup>

Similarly, Bishop Thompson said that in the Diocese of Newcastle a shift was occurring towards a supervisory model 'where priests are expected to account for how they are going and what is happening to them'. However, he stated that this had been 'hard to introduce because priests, who have been regarded as self-determining on many matters, question the idea that they need supervision'.<sup>1281</sup> In Bishop Thompson's view, supervision will 'allow clergy to recognise and become self aware of their own boundary breaches, their own sense of why they need further work and understanding of their own needs'.<sup>1282</sup>

Bishop Harris agreed, noting that the challenge in implementing supervision is to encourage clergy trained in earlier times to see it as an expectation and something that is in their 'best interests'.<sup>1283</sup> Bishop Harris told us that there was work to be done in this area.<sup>1284</sup>

We note that the General Synod recommended in 2004 that the 23 Anglican Church dioceses implement a system of ministry support. In 2017, following the *Institutional review of Anglican Church institutions* hearing, the 17<sup>th</sup> Session of the General Synod passed a resolution in relation to professional supervision for people in pastoral ministry.<sup>1285</sup> The resolution recommended each diocese 'publish a list of appropriately qualified people as professional supervisors for those in pastoral ministry and promote the use of their services' and 'include a component for professional supervision in recommended financial packages for those in pastoral ministry'.<sup>1286</sup>

In Chapter 20 we recommend that each religious institution should ensure that all people in religious 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 16.45). People in religious or pastoral ministry should also be subject to effective management and oversight and undertake annual performance appraisals (Recommendation 16.44). In addition, we recommend that each religious or pastoral institution should require that all people in religious ministry, as well as any other religious leaders, undertake regular training on the institution's child safe policies and procedures, and be provided with opportunities for external training on best practice approaches to child safety (Recommendation 16.47).



We make the following recommendation specifically to the Anglican Church of Australia.

**Recommendation 16.5**

The Anglican Church of Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, 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.

## 12.6.9 Conclusions about contributing factors in the Anglican Church

We considered a number of factors that contributed to the occurrence of child sexual abuse in the Anglican Church or affected institutional responses to this abuse.

We heard evidence that there is no consistent, national approach in the Anglican Church to responding to allegations of child sexual abuse. It is clear that there are structural and cultural barriers to achieving a consistent national approach. We heard that these barriers include dispersed and decentralised authority, diocesan autonomy, and theological and cultural differences between dioceses. We recommend that all religious institutions should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions and drive a consistent approach to the implementation of the standards (recommendations 16.32 and 16.33). Given these barriers, the Anglican Church should develop a mechanism to not only drive a consistent approach to child safety but also to monitor the adoption of this approach in the 23 dioceses and their affiliated institutions.

We conclude that a failure of leadership of diocesan bishops contributed to inadequate responses to allegations of child sexual abuse. In two of our case studies, alleged perpetrators remained in positions where they had access to children after a bishop had received a complaint of child sexual abuse, and there were subsequently further allegations of child sexual abuse. These failures occurred in a context where there was a lack of oversight and accountability of bishops, and no uniform complaints process for complaints against bishops. We recommend that the Anglican Church of Australia adopt a uniform episcopal standards framework to ensure that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse (Recommendation 16.1).

We found that in some instances conflicts of interest arose for diocesan bishops and senior diocesan office holders in their responses to individuals accused of child sexual abuse. Bishops have close relationships with clergy in their dioceses, which we found has at times impacted on their response to allegations. We also found that conflicts arose for senior office holders as a consequence of their personal and professional interests. We recommend that the Anglican Church should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child safety (Recommendation 16.2).

Lay people have a high level of involvement in the governance and operation of the Anglican Church. We found that, in some instances, responses to child sexual abuse have been impacted by particular lay cultures within a diocese. We recognise that these local cultures, when they do not prioritise the safety of children, can have a significant impact on the ability of a bishop to effectively lead a diocese, and can contribute to inadequate responses to allegations of child sexual abuse. In our view, these cultures can seek to reinforce the primacy and value of a particular church culture over the interests of both survivors and children. We recommend that the Anglican Church should amend *Being together*, or any other statement of expectations about the behaviour of members of Anglican Church communities, to expressly refer to the importance of child safety (Recommendation 16.3).

While it is a term more commonly used in the Catholic context, we heard that aspects of clericalism in the Anglican Church may have played a role both as a factor that contributed to the occurrence of child sexual abuse and as a factor that impeded appropriate responses to such abuse. Clericalism is a theological belief that the clergy are separate from the laity. We heard that clericalism is not just confined to Anglo-Catholic traditions within the Anglican Church but also present in evangelical traditions where the minister is seen as a qualified teacher and deferred to on that basis. We heard that a culture of clericalism may have discouraged survivors and others from reporting instances of child sexual abuse, including to the police; that, historically, the reputation of the Anglican Church has been placed above the welfare of survivors; and that consequently there was further abuse as complaints against perpetrators were not properly addressed. We heard that a number of measures could address the culture of clericalism within the Anglican Church, including greater transparency and a greater role of women in both ordained ministry and lay leadership positions in the Anglican Church. We heard that the increased involvement of women has had a significant impact on combating clericalism.

A culture of forgiveness may also have contributed to inadequate responses to child sexual abuse in the Anglican Church. We heard that in some cases there was a focus on extending forgiveness and compassion to perpetrators rather than properly considering the needs of the victim. One consequence of both a culture of forgiveness and a poor understanding of child sexual abuse was that survivors were encouraged to forgive their abuser. Similarly, third parties who raised complaints were encouraged to forgive the person who abused them.

In addition to these cultural factors we found that there were failures in respect of the selection and screening of people for ordination and that there is a need to provide clergy and church workers in the Anglican Church with professional supervision and support. We recommend that the Anglican Church should develop a national approach to the selection, screening and training of candidates for ordination (Recommendation 16.4). We further recommend that the Anglican Church should develop and implement mandatory national standards to ensure that all people in religious or pastoral ministry undertake regular professional development, undertake professional/pastoral supervision and undergo regular performance appraisals (Recommendation 16.5).

At its 17<sup>th</sup> session in September 2017, the General Synod passed a number of canons directed towards the goal of achieving national minimum standards in many of these areas. While these canons have been passed at a national level, it is up to the 23 dioceses to adopt uniform legislation to ensure that the Anglican Church has a consistent national approach to child safety. We discuss these initiatives in further detail in Part E, 'Creating child safe religious institutions'.

# Endnotes

- 1 Letters Patent (Cth), 11 January 2013, (k).
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- 14 D Hilliard, 'Anglicans' in J Jupp (ed), *The encyclopedia of religion in Australia*, Cambridge University Press, Melbourne, 2009, p 128.
- 15 Exhibit 42-0001, 'Outline of the Structure of the Anglican Church of Australia', Case Study 42, ANG.9310.01002.0003 at 0006.
- 16 D Hilliard, 'Anglicans' in J Jupp (ed), *The encyclopedia of religion in Australia*, Cambridge University Press, Melbourne, 2009, pp 128–9.
- 17 RC Thompson, *Religion in Australia: A history*, Oxford University Press, Melbourne, 1994, p 5.
- 18 Exhibit 42-0001, 'Outline of the Structure of the Anglican Church of Australia', Case Study 42, ANG.9310.01002.0003 at 0006.
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- 21 Exhibit 42-0001, 'Outline of the Structure of the Anglican Church of Australia', Case Study 42, ANG.9310.01002.0003 at 0006, 0024.
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- 38 D Hilliard, 'Anglicans' in J Jupp (ed), *The encyclopedia of religion in Australia*, Cambridge University Press, Melbourne, 2009, p 131.
- 39 B Kaye (ed), *Anglicanism in Australia: A history*, Melbourne University Press, Melbourne, 2002, p 87.

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41 Transcript of PN Parkinson, Case Study 52, 17 March 2017 at 26634:29–44.

42 Transcript of GN Davies, Case Study 52, 22 March 2017 at 27126:41–27127:2.

43 Exhibit 52-0002, 'Statement of the Right Revered Garry Weatherill – Schedule A', Case Study 52, STAT.1300.001.0001 at 0030.

44 Exhibit 52-0002, 'Statement of the Right Revered Garry Weatherill – Schedule A', Case Study 52, STAT.1300.001.0001 at 0031.

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 Exhibit 52-0002, 'Statement of the Right Reverend Anthony Parkes- Schedule A', Case Study 52, STAT.1287.001.0003 at 0025;  
 Exhibit 52-0002, 'Statement of the Most Reverend Philip Freier- Schedule A', Case Study 52, STAT.1297.002.0003 at 0021–0023;  
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 Exhibit 52-0002, 'Statement of the Right Reverend Rob Gillion- Schedule A', Case Study 52, IND.0341.001.0001 at 0017;  
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 Exhibit 52-0002, 'Statement of Right Reverend Richard Lewers', Case Study 52, STAT.1293.001.0001\_R at 0011\_R;  
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 Exhibit 52-0002, 'Statement of Right Reverend William Ray- Schedule A', Case Study 52, STAT.1307.001.0001 at 0009;  
 Exhibit 52-0002, 'Statement of Right Reverend Gregory Anderson- Schedule A', Case Study 52, STAT.1283.001.0003 at 0013;  
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 Exhibit 52-0002, 'Statement of the Right Reverend Dr Christopher Jones', Case Study 52, STAT.0802.002.0001\_R at 0022\_R. The statements of Bishop Kay Goldsworthy and Bishop Rick Lewers suggested that theological differences may have an impact with respect to confession. Issues with respect to the seal of the confessional in the Anglican Church are discussed in Section 12.6.

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STAT.0819.002.0001\_R at 0015\_R; Exhibit 52-0001, 'Statement of the Right Reverend Stuart Robinson', Case Study  
52, STAT.1302.001.0001 at 0004; Exhibit 52-0002, 'Statement of the Right Reverend Gregory Thompson (incl.  
Annexure B)', Case Study 52, STAT.1036.001.0001\_R at 0005\_R; Exhibit 52-0002, 'Statement of the Right Reverend  
Richard Lewers', Case Study 52, STAT.1293.001.0001\_R at 0007\_R. While not expressly describing their synod as  
unincorporated, the following dioceses in the Province of New South Wales describe governance arrangements similar  
or identical to other dioceses in the province: Exhibit 52-0002, 'Statement of the Right Reverend Rob Gillion', Case  
Study 52, IND.0341.001.0001 at 0012; Exhibit 52-0002, 'Statement of the Right Reverend Ian Palmer', Case Study 52,  
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