

## **The Melbourne Royal Commission hearing and the Church's legal guidelines**

Francis Sullivan, November 27, 2015

We are now at the end of the first week of the Commission's hearing into the way in which the Archdiocese of Melbourne dealt with years of abuse that took place in the Doveton Parish in outer suburban Melbourne.

This week has focused for the most part on the appalling behaviour of a Parish Priest call Peter Searson who seems to have been some sort of psychotic monster who used the primary schools he had control of in the 1980s as a personal fiefdom.

This week we heard about his perverted activities in the confessional with little children, his brandishing of a hand gun in front of little kids, his killing of a cat, showing children a dead body in a coffin and much more.

We also heard from teachers and a local principal at Doveton's Holy Family Primary School about the frustration and struggle they endured as they tried to get the Catholic Education Office and Archbishop Frank Little to do something about Searson.

What we heard during the week was the story of a complete failure in administration, a refusal of church leaders to face up to the bleeding obvious and, yet again, the tragic and lifelong damage child sexual abuse has on innocent people.

This week we also released our guidelines on how church authorities being sued for child sexual abuse claims should behave during the legal process.

The guidelines also cover issues such as making records available to the claimants, keeping costs down and paying legitimate claims without litigation. They also call on bishops and congregation leaders to be mindful of the traumatic experience for claimants during litigation.

Significantly the guidelines include a requirement for Church dioceses or religious orders to assist a claimant to identify the correct defendant to respond to legal proceedings.

When we put these guidelines together we thought that making this requirement would be enough to assure survivors and their lawyers that what is known as the 'Ellis defence' wouldn't be called into play.

It hasn't been and over the past week we have heard from a few prominent lawyers saying the guidelines don't go far enough, and they might be right.

After having talked with one of these lawyers at the Melbourne hearing earlier this week I think we might have to consider what we released earlier this week as a 'working draft' and revisit, particularly, what we have said about identifying a proper defendant in child sex abuse claims.

[admin@tjhcouncil.org.au](mailto:admin@tjhcouncil.org.au)

+61 2 6234 0900