



James Goold House
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Australia

Leadership for Change

Speech by Archbishop of Melbourne, Denis Hart

31 May 2013

Today I want to address the blight of child abuse within the Catholic Church, the steps we have taken to stop it, and our proposed reform agenda.

The Catholic Church in Victoria has proposed five reforms to the Parliamentary Inquiry. But to talk about reforms for the future we need to look to the past and present. We need to address the past – in particular face up to the appalling crimes of child sex abuse that occurred within the Catholic Church – and ensure that the abuse is no longer occurring, victims are supported, and that we are doing everything possible to prevent it occurring in the future.

I will discuss these issues today, as well some issues raised at the Inquiry.

In my testimony last week to the Inquiry, I was blunt.

I said we were not alert to the signs of abuse occurring. That we failed to hear, accept and act on complaints when made by victims of abuse, and our initial responses were far too inadequate.

I also said we have faced the truth about the horrific abuse that has occurred in Victoria and elsewhere, and we have taken action to prevent abuse and to protect children.

I have spoken to victims and their families. I have personally apologised to them. I have heard their pain and anguish. I am deeply moved by it. I understand that we can never take away their pain and the terrible long-term consequences of the abuse they have suffered.



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At the Inquiry I said:

I understand that the community is looking for someone to take responsibility for the terrible crimes that occurred.

I take responsibility.

I take responsibility for ensuring there is no re-emergence of child sexual abuse in the Church, that victims are treated fairly and compassionately, and that offenders are removed from contact with children.

While I have formal authority only in this Archdiocese of Melbourne, I speak on behalf of my fellow Bishops and Religious Institute leaders when I say that we all share this commitment.

I assure you that we will take immediate action if this Inquiry reveals any new wrongdoing or covering up, no matter by whom.

When I appeared at the Inquiry, I expressed my deep sorrow for the suffering and trauma endured by children who were in the Church's care, and the effect on their families. I renewed my apology to victims and their families, and to the wider community. I do so again today.

I detailed some of the failures in Church leadership that contributed to making this abuse possible. I recognise that these failures of leadership have also caused great suffering and loss of faith in our Catholic community.

The most comprehensive research into child sexual abuse by Catholic clergy was carried out in the U.S. by the John Jay College of Criminal Justice in New York. Its findings correlate with statistics available for Victoria.

John Jay found there was a 25-year blight of child abuse from around 1960 to the mid-1980s, with a dramatic decline after that time. More abuse occurred in the 1970s than in any other decade.



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The research found that four percent of all priests active in the United States between 1950 and 2002 had allegations of abuse made against them. Just under half of the abuse allegations relate to priests ordained in the twenty years between 1950 and 1970. This is consistent with what we know happened in Victoria.

What caused the sudden rise in child abuse by Catholic clergy in the 1960s, and its equally sudden decline in the late 1980s? Why is the rate of offending particularly high amongst priests ordained between 1950 and 1970?

The John Jay research found that a significant factor appears to have been that priests ordained prior to the 1970s were more likely to suffer from personal vulnerabilities, emotional deficits and social isolation.

The research found that organisational, psychological, and situational factors affecting priests ordained prior to 1970 were a major influence on their high rate of offending. They were poorly trained in the human maturity, self understanding, and relationship skills that they needed when they encountered the social and cultural changes of the 1960s and 1970s, such as reduced social restrictions on individual behaviour, sexual liberation, and greater tolerance for permissive behaviour. This was especially true for those who had been abused as children themselves.

And what caused the rapid decline in abuse after 1985? The researchers found that factors specific to the Catholic Church contributed to the decline.

In both Australia and the United States, bishops and religious orders started to take action in the 1980s, as victims began coming forward and awareness grew of child sexual abuse by priests, religious and lay people.

In Australia, since the 1990s we have reviewed and refined our processes, procedures, and practices. In light of the John Jay research, our changes to formation of priests and religious have been particularly important. It is a critical element in preventing future violations and abuse of children by Church personnel.



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This led to the introduction of the *Melbourne Response*, and the Bishops and heads of religious institutes introducing *Towards Healing* across Australia, to protect children and vulnerable persons against sexual abuse, and take action against abusers.

Our submission to the Inquiry, *Facing the Truth*, gives details about both of these processes, including how they have been refined as we have learned how to support victims better.

As you know, we have more than 100 religious institutes operating in Victoria, running hospitals, hundreds of schools, and working with those in need.

I recognise that many in the wider community may not understand that each bishop has authority only within his own diocese, and that each institute is independent, reporting to a global leader, generally in Rome.

Of course, this distribution of authority in no way reduces the Church's responsibility for addressing abuse. However, it does mean that uncovering abuse and changing how it is dealt with required a transformation in the culture of our Church rather than a simple managerial decision by a single leader in the Church.

The *Melbourne Response* was introduced in 1996 by Cardinal Pell, shortly after he was appointed Archbishop of Melbourne. I was Vicar General at the time, and assisted in its implementation. I believe Melbourne was the first diocese in the world to implement a response to victims of abuse with independent investigation, an ongoing program of counselling and support, and compensation.

Its introduction was widely supported, including by the then Premier, the police and senior public servants. The police again endorsed the terms of reference of the Independent Commissioner when it was revised in 2011 – contrary to the police testimony at the Inquiry.

Towards Healing was introduced in March 1997 following its adoption by the Australian Catholic Bishops Conference in December 1996.



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Under both systems, victims are strongly encouraged and assisted to go to the police, victims and their families are supported, and abusers are dealt with decisively, while being afforded natural justice.

The Church gave the Inquiry access to all of our confidential files and records relating to child abuse. Those records generated questions that were posed to me by members of the Committee. I would like to address some of those issues in more detail now.

First, Archbishop Little, who when a complaint was received about a priest, Baker, moved him to a new parish where he committed further offences. There is no question the Archbishop made the wrong decision in moving him. Baker should have been stood down from ministry immediately.

Archbishop Little was Archbishop of Melbourne for 22 years, and was widely known as a pastoral and compassionate bishop and leader. It is hard to put myself in his shoes, at a time when experts advised that paedophiles could be cured and returned to ministry, and when it was virtually unthinkable that these appalling acts of abuse were being perpetrated by priests and religious.

Archbishop Little was wrong to transfer Baker. I think he believed – as no one would believe today – that Baker would not re-offend.

Then there is the case of Desmond Gannon. Archbishop Little was in office when the first complaint was made about Gannon, in April 1993 and he was allowed to retire, ostensibly on health grounds. The failure to inform the parish of the real reasons for his resignation caused distress and hurt when they became known to parishioners, particularly because they had raised funds to support him in his retirement.

However, he did withdraw Gannon's faculties in August of that same year. Gannon never practised as a priest again. He was later charged, in 1997, 2000, 2003 and 2009, with multiple offences that he had committed from the 1950s to 1970s, and was jailed.



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I was questioned at the Inquiry about why Gannon wasn't laicised. And I tried to describe the near impossibility in the 1990s of doing so unless the priest cooperated with the laicisation process, which Gannon refused to do.

The Church changed its rules in 2002 to allow a Bishop to seek laicisation, which I did in January 2011. I described my actions as "*Better late than never.*" I should not have said that – it was a very poor choice of words and I certainly didn't mean in any way to be flippant. I remain determined to get him laicised. It is for this reason that I wrote again to the Vatican at the end of last year, asking them to reconsider their decision.

I support the need to speed up the laicisation process within the Church.

When we set up the *Melbourne Response* in 1996 there was a surge of victims coming forward, who hadn't done so earlier, to the Church or to the police or to the courts. Almost all of the reported abuse took place well before the 1990s. Most was in the 1960s and 1970s, dropping off in the 1980s. That continues to be the pattern of the abuse that is reported to us today.

I remember when we set it up we asked ourselves: What would victims want? We thought they would want a straightforward process to acknowledge that abuse had taken place, a genuine apology, and an immediate way to stand aside possible abusers while an investigation was carried out. We thought victims would want support, both financial and through counselling. And we thought they would want to know that the people they were dealing with were of the highest integrity and professionalism, and independent of the Church.

It may be that the surge of victims coming forward was because the *Melbourne Response* is like that. It is non-legalistic – it does not replace the legal system, but it has helped many victims who have not wanted to take legal action.

Its purpose is fourfold. First, the Independent Commissioner determines whether a complaint should be upheld. He has upheld 97 percent of the 314 complaints of child criminal abuse he has finalised. Second, an independent Compensation Panel then awards compensation. Third, Carelink funds and facilitates counselling and other support, from the time that a person first



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comes forward, and for as long as needed. Fourth, we provide Parish pastoral support.

And it is independent. The Independent Commissioners, Mr O'Callaghan QC and Mr Gleeson SC, and also the Chair of the Compensation Panel, Mr Curtain QC, are individuals of widely-recognised expertise and integrity. Mr O'Callaghan, for example, has acted in Royal Commissions and chaired an Anglican Church Inquiry into child abuse. Each has great empathy for the victims.

Former chairs of the Compensation Panel include the current Governor of Victoria. While all costs are paid by the Archdiocese, they are completely independent. The only time I know what they are doing is when I receive a recommendation for action. I have always acted on their recommendations.

We recognise that there are no quick fixes for victims. The effects of abuse can be life-long, but we hope that with professional care and support, there can be some healing. Carelink funds and facilitates this counselling and other support for victims and their families. Very few compensation or reparation systems do this.

Has the *Melbourne Response* has been successful in preventing abuse? Well, many priests have been stood down and removed from contact with children, many have been reported to police, and most importantly, no priest who has been dealt with through the process has re-offended against children.

Looking to the future, we have put five recommendations for reform to the Inquiry:

1. The Church calls for a new way of reporting offenders to police that protects the privacy of victims who want to remain anonymous.
2. We support the extension of mandatory reporting to include ministers of religion, with an exemption for information received during the rite of confession.



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3. We also recommend that the *Working with Children Act* be amended so that all agencies that work with children can report possible offenders to the Department of Justice. The Department of Justice could then remove a Working with Children Check held by a such a person, or refuse an application for a Working with Children Check.
4. We recommend that the *Limitation of Actions Act* be amended so that the significantly longer period available to children injured by their parents and guardians applies to those who were in a special position of trust towards children. This would mean that Church victims abused as children would have the maximum possible period to take civil action.
5. Finally, we recommend that the Inquiry consider the introduction of statutory oversight of all agencies, government and non-government, that work with children, similar to that undertaken by the New South Wales Ombudsman.

There is further information about these reforms on your table. I'll say a little more about reporting and oversight.

The Church encourages victims to report to the police, and we would prefer that every victim did so. In the case of sex abuse by clergy, this usually involves a complaint made by an adult who was abused as a child.

But the law leaves the choice to adult victims to decide whether to report allegations to the police. We assist those victims who wish to report abuse to the police. Police should handle investigations. That is their role.

However, some victims don't want to go to the police, or to a court. There can be a variety of reasons for this, including that the victim does not want to go through the process of a public trial, or the victim is apprehensive about approaching the police. They seek help privately. We can't ignore their wishes.

So our reform proposal is to make changes to the law that would help investigate offenders in such cases, while balancing the right of an adult victim to privacy.



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With mandatory reporting – that is, the requirement for professionals who have children in their care to report suspected or actual abuse – we have been greatly influenced by the Protecting Victoria’s Vulnerable Children Report last year. On considering its recommendations, it makes sense to include ministers of religion amongst mandatory reporters.

At the Inquiry, the testimony of the Deputy New South Wales Ombudsman, Mr Steve Kinmond, illustrated a way to give the community effective oversight of our processes. The New South Wales *Ombudsman Act* imposes reporting requirements on organisations that work with children in that state. It requires government and designated non-government agencies to report any allegation that an employee of the agency has engaged in “reportable conduct”, and to investigate it.

Since then, all Catholic Dioceses in New South Wales have accepted that they are designated agencies. They are now overseen by the Ombudsman.

Such a system could be introduced in Victoria, and we have asked the Inquiry to consider it.

The changes the Church has made, together with changes in the community such as the introduction of mandatory reporting of child abuse and Working with Children Checks, minimise the risk of abuse occurring and make it very difficult for an offender today not to be discovered.

If there is one clear message I want to leave with you, it is that we have changed. We are facing the truth, and we are committed to being open and transparent. There is good reason to be confident that we are being effective in our efforts to prevent the terrible crime of child abuse in the Church.

We must ensure that all children are safe. We have all become very aware how much the Catholic Church has been part of the problem. The task now is to ensure that effective measures are taken both inside and outside the Church, and indeed across the whole community.

I would be pleased to answer any questions.