

## Francis Sullivan interview

Australian Broadcasting Corporation

Broadcast: 08/08/2013

**Reporter: Tony Jones**

**The CEO of the Catholic Church's Truth, Justice and Healing Council, Francis Sullivan discusses the role of the Catholic Church's insurance company in how the church handled cases of sexual abuse by clergy.**

### Transcript

TONY JONES, PRESENTER: Joining us in the studio is the chief executive officer of the Church's Truth, Justice and Healing Council, Francis Sullivan.

Thanks for being here.

FRANCIS SULLIVAN, CEO, TRUTH, JUSTICE & HEALING COUNCIL: Thank you for having me.

TONY JONES: Now you just heard Robert Grant at the end of that interview saying that these high-level committees, set up really to create Towards Healing, that he'd never heard people being concerned about the well-being of victims. They were concerned about Church liability and about priests who'd been accused. That's a pretty shameful indictment of the process, isn't it?

FRANCIS SULLIVAN: Well it's upsetting to hear that. But I think one thing's important: Towards Healing was a seismic shift from previous protocols the Church had in place and those protocols had the Church's interests first. Towards Healing is all about putting the victim's interest first and of course ...

TONY JONES: Well not according to Robert Grant. It's about putting the lawyers first, according to him. Well, the lawyers seem to have dictated the process of what actually happened in Towards Healing, so he was saying it's interest, the financial interest, the liability, the culpability of the Church that was really at stake here.

FRANCIS SULLIVAN: Accepting what he says, I mean, we have to look at the proof of the document. I think Dr Grant was talking about meetings he was involved with as a consultant in the working up of what became the document. So there are many interests around the table and I accept what he's saying; there would have been

insurance interests at the table. But the document that the bishops and the religious leaders of Australia signed off historically in 1996 talks about: it's based on the victim. Secondly, Tony, it's interesting ...

TONY JONES: Well it may talk about it. That's not how it works in practice apparently.

FRANCIS SULLIVAN: But it is interesting that in the document there is no cap on what compensation can be paid, there is no obligation to sign confidentiality agreements. Where a person is asked to sign a deed of release, the Church actually pays for an independent lawyer to give the person advice. There's no compulsion. Now that's the document. I accept nothing's perfect and sometimes the implementation may not be what it should be.

TONY JONES: Can I ask you this: do you accept Robert Grant's credibility?

FRANCIS SULLIVAN: I wouldn't know why I wouldn't, that's for sure.

TONY JONES: 'Cause he obviously was brought in ...

FRANCIS SULLIVAN: Sure.

TONY JONES: ... by Bishop Robinson, who wrote a very good reference for him and suggested he'd been working at his side for three years, so he had quite a substantial time to see the process in operation.

FRANCIS SULLIVAN: Correct.

TONY JONES: So are you concerned about what he said?

FRANCIS SULLIVAN: Of course. Tony, the whole point of our council is to provide independent advice to the Church leadership during this time of the Royal Commission, and we are literally, these weeks, in a process of putting forward our submission to the Royal Commission on Towards Healing - both the history and its application to date and what we suggest will be enhancements for the future. So of course criticisms like we've heard this evening, I personally find disturbing.

TONY JONES: Well more than disturbing, 'cause what Mr Grant is questioning here is the ethics and the morality of senior Church officials who are more concerned about the preservation of the Church and its financial viability than they were about the well-being of victims. So I ask you again: is that a shameful indictment? It's his indictment.

FRANCIS SULLIVAN: It's certainly his indictment, but I would like to stress that he was part of the working up of the document and in the end the document is what we've got to look at firstly as the Church's, if you like, policy, and it doesn't have anywhere in that policy an indication of risk management by insurers or lawyers, it doesn't have anywhere in the document putting the Church's institutional agenda first.

TONY JONES: We'll go to the practice of what actually happened. You've seen some evidence of that in that story as well. But first of all, he told us that the Catholic Church's insurance lawyers were in the committee as it was set up and that they would object to any language being put into the document that would put the Church at risk of admitting culpability. Was it appropriate? Was that a correct way for them to behave inside that committee?

FRANCIS SULLIVAN: I can only assume that if there were robust discussions and if that was placed on the table, the ultimate outcome of those discussions is reflected in what became the policy document and nothing in the policy document indicates that.

TONY JONES: Well he says the lawyers dictated the outcomes, dictated what went into the document and he was there for three years. I put it to you again: are you disturbed by what he says?

FRANCIS SULLIVAN: What I'm saying, Tony, is that the document hasn't got any legalese in it at all.

TONY JONES: OK. Well, if that's the way you want to put it. Even more sinister is the way the lawyers for the Church-owned insurance company worked in negotiating settlements with victims who'd come seeking pastoral care. Wasn't this really about paying for their silence?

FRANCIS SULLIVAN: No. The point of Towards Healing was to make that seismic shift away from what many had criticised as being too much of a Church-first institutional protection set of protocols. This was a whole new paradigm.

TONY JONES: Well, you say it was a new paradigm, but is that in fact how it worked in practice? You heard that lawyer saying that in fact the Church was profiting from the fact that the insurance lawyers were able to negotiate low compensation outcomes for victims who really didn't know what they were doing and they were being given wrong advice time after time.

FRANCIS SULLIVAN: I accept the comment of the lawyer, but I think ...

TONY JONES: Do you accept the truth of it?

FRANCIS SULLIVAN: Well, Towards Healing is about the pastoral response for an individual and their circumstances and needs. The actual settlement is between the Church authority and the individual, the Church authority being either the bishop or the congregational leader. They're two separate processes ...

TONY JONES: And the lawyers, as it turns out, who are right in the middle, enmeshed in this process.

FRANCIS SULLIVAN: I understand, Tony, it goes this way: that the lawyers and insurance interests are in the second activity, not inside Towards Healing. As a matter of fact, no lawyer is meant to be in the Towards Healing facilitation process unless a person wants them.

TONY JONES: And that seems to be the critical point, doesn't it: "meant to be". And as we've seen from that document in the story, we see the veil of secrecy ripped away from this process. On behalf of CCI, Paul Gamble, the lawyer, offered \$20,000 then \$30,000 then finally \$40,000-plus legal fees to the victims. The victim's very hesitant, goes back to the priest. "I want to speak to the priest without the lawyers present," he says and then the priest convinces him to take that offer is. Is that appropriate? Is that the way things should have been handled?

FRANCIS SULLIVAN: That doesn't sound very good to me.

TONY JONES: Well, it certainly doesn't. So, what should be done about it? It sounds like - don't you agree? It sounds like what you've described and what's actually happening in practice are two completely different things.

FRANCIS SULLIVAN: Well what I've described firstly is the policy and I've said ...

TONY JONES: How it should work.

FRANCIS SULLIVAN: ... and it's not perfect and obviously the application is the guts of the issue. And our council, one of the things we're seeking to do, is to see how Towards Healing has been applied over the years. But, Tony, can I at least say this: that at the end of the day the Royal Commission is going to look at the Catholic Church and other institutions and say, "You need best practice." That's its core business as a Royal Commission. At the end of the day, victims need a national compensation scheme they can access free of all the legalese on both sides, free of all the ...

TONY JONES: Presumably this is what they required, what they needed and what they should have been given as part of the process the Church set up, which as you admit yourself, seems to be fundamentally flawed.

FRANCIS SULLIVAN: What I'm saying is that there isn't obviously always applied perfectly and there are many occasions where it has been applied well and the satisfaction levels are high, but I'm not trying to get defensive about what we've heard. What I am saying is that at the end of the day, people who have been sexually abused, either in the Catholic Church or elsewhere, need access to a national compensation scheme where they can get the access quickly ...

TONY JONES: You mean the scheme that the Church doesn't have to pay for?

FRANCIS SULLIVAN: No, I do not. I mean a scheme just like Cardinal Pell and Archbishop Hart have said we will

contribute to like everyone else will contribute to who has responsibility in the area.

TONY JONES: Let me go then to the recent Victorian inquiry in which the head of Catholic Church International, Peter Rush, says in evidence: "In all matters referred to Catholic Church Insurance, our officers remain independent of the process." Given what we've heard in that program, what we've just been discussing, do you think that is a true statement?

FRANCIS SULLIVAN: I think Peter's referring to the Towards Healing process and this is where we're getting a bit confused. Towards Healing is a pastoral process ...

TONY JONES: Well, you would imagine that officers of an insurance company would include lawyers actually working inside the process trying to get the lowest possible compensation deal with victims on behalf of the insurance company and ultimately on behalf of the Church who owns the insurance company.

FRANCIS SULLIVAN: In Towards Healing, no lawyers are inside the process in the room unless the individual, the person, the victim, asks to have a lawyer.

TONY JONES: Well, we've heard in this case the individual had to ask the lawyers to leave so that he could actually have a proper discussion with the priest who obviously sided with the lawyers. I mean, these are complicated matters and evidently, and I think you've admitted it already, the process doesn't seem to be working as it was supposed to.

But let me move on to one of Robert Grant's most damning claims, that during the process of setting up Towards Healing, just as he was arguing in fact for honesty and transparency to restore the reputation of the Church, a senior official of Catholic Church Insurance stood up and reminded the committee that he'd just destroyed 40 boxes of personnel records. Grant says he was shocked and dumbfounded by this. Are you shocked and dumbfounded by it?

FRANCIS SULLIVAN: Of course. I mean, any official of any organisation that destroys records should be sanctioned.

TONY JONES: So what will be done about it? Because Robert Grant, who, as you say, is a credible witness, indeed his credibility testified to by the bishop himself, has made this claim, so what happens next?

FRANCIS SULLIVAN: Well obviously now it's over to CCI to explore or investigate what he's claiming.

TONY JONES: So you believe they should go to him and seek evidence and do their own independent investigation ahead of the actual inquiry by the Royal Commission, do you? Because that's gonna take a very long time, isn't it? - the Royal Commission, I mean.

FRANCIS SULLIVAN: The Royal Commission certainly will take a long time and these are serious allegations and we can't sit on our hands.

TONY JONES: So what do you propose be done about it?

FRANCIS SULLIVAN: Well I don't have any pulling power back at CCI, Tony, but ...

TONY JONES: Well what would you advise them to do about it? After this interview, I imagine they'll ask your advice.

FRANCIS SULLIVAN: Look into it, would be my advice.

TONY JONES: So, what, go and speak to Robert Grant?

FRANCIS SULLIVAN: Whatever's appropriate to look into this sort of thing, yes.

TONY JONES: Send some insurance lawyers, perhaps? Done such a good job in the past.

FRANCIS SULLIVAN: They should look into it, Tony.

TONY JONES: Ya. OK. Now, it's my understanding that Mr Grant actually does know or believes he knows who it was that said this, so ...

FRANCIS SULLIVAN: Good.

TONY JONES: ... that would be quite an important piece of information for the Church to know, would it not?

FRANCIS SULLIVAN: Clearly.

TONY JONES: Do you think it could potentially be a police matter?

FRANCIS SULLIVAN: I have no idea.

TONY JONES: OK. I'm gonna leave you there, Francis Sullivan. We thank you very much. Pretty tough to come in and answer all these questions when all those others refused to, but we thank you very much for being here on the program tonight.

FRANCIS SULLIVAN: Any time, Tony.

*Do you have a comment or a story idea? Get in touch with the Lateline team by [clicking here](#).*

---

## Search Lateline

Sort by:  relevance  date

## Got a news tip?

If you have inside knowledge of a topic in the news, [contact Lateline](#).

---



© 2013 ABC