

## **Major reform pushes to open Church organisations up to being sued**

The tears rolled down John Ellis' face as he recounted the abuse he suffered as an altar boy in Bass Hill in Sydney in the mid 1970s. At the second Royal Commission hearing concerning Towards Healing in Sydney this week, Mr Ellis explained how his misery continued as he attempted, but failed, to sue the Church for justice.

Listening to Mr Ellis speak of his suffering and loss was distressing. It may be of small consolation to him, but his battle has played no small part in prompting the announcement this week of a major reform proposal within the Catholic Church.

The reform, which would see every Bishop, every diocese and every religious order make available a legal entity, covered by insurance and wealth, that survivors of child sex abuse can sue, is a major change in the legal approach of some church bodies to litigation.

This has not always been the case and is the very hurdle John Ellis came up against when he attempted to sue the Archdiocese of Sydney.

The confusing structure of the Church, and previous legal cases, have often been a deterrent for survivors of child sex abuse to make a claim against the Church. This can no longer be the case. There must be a consistent, fair and equal approach across Australia for anybody, anywhere, who has been sexually abused as a child by the Church.

In the past the Catholic Church has been slow to act on issues of clerical child sex abuse, and placed the interest of the Church ahead of victims.

Our very real hope is that by making these changes survivors of child sex abuse will no longer feel thwarted by the Church. As in many other institutions, people wanting to take legal action against the Church for sexual abuse need to have their cases tested on the merits not denied because of a legal technical issue.

We want survivors to know if they go down the litigation path they won't have to run up against any confusion, which effectively denies them an entity to sue.

In her opening address at this week's hearing Gail Furness, senior council assisting the Royal Commission, quoted from Cardinal Pell's witness statement to the Commission.

# Blog

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It was pleasing to hear the Cardinal say that in his view, despite the findings in the landmark Ellis case, he believes the Church in Australia should be able to be sued in cases of child sex abuse. This is a welcome response and consistent with proposals the Truth Justice and Healing Council (TJHC) has developed.

The TJHC has now put forward two reforms proposals that we hope will assist survivors find justice and begin a healing process.

The first is a National Compensation Scheme that involves an independent authority investigating and determining compensation, which would be paid by the Church or any other institution responsible for the abuse.

This second proposal, to ensure there is an entity within each diocese or congregation that can be sued, provides survivors with at the very least a starting point if they want to take legal action against the Church. This forms an important part of our Issues Paper, 'Civil Litigation' that we will submit to the Royal Commission at the end of this month.

Throughout this week and next Mr Ellis' case will continue in Sydney, while in Adelaide the Royal Commission will begin looking into the responses by the Catholic Archdiocese of Adelaide, and the South Australian Police, into allegations of child sexual abuse at St Ann's Special School.

Our thoughts are with the survivors and their families as they relive this nightmare. Catholics throughout Australia will be ashamed as they hear simultaneous stories of abuse, mistrust and neglect of an altar boy and children from St Ann's Special School.

This is a difficult time for everyone. We will not make excuses, or attempt any sort of spin. The only thing we can do is work harder, listen better and understand more.

Francis Sullivan

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