

A national victims' redress scheme

This week we finalised our submission to the Royal Commission on redress schemes for child sex abuse victims.

In our submission we are advocating for a mandatory national victims' redress scheme operated by Government but funded by the institutions responsible for the abuse.

I have said many times that the days of the Church investigating itself are over.

Establishing an independent national victims' redress scheme will help ensure just and fair compensation for anyone who has suffered child sexual abuse within any institution across Australia.

Our submission follows our own criticisms of the lack of independence in the conduct of the national *Towards Healing* complaints handling protocols.

As an aside, the Melbourne Archdiocese's complaints system does investigate complaints independently and determine compensation independently. However, it is not a national scheme for the Church although its strengths were noted in our submission.

Our submission on redress proposes a scheme, which would incorporate an established set of criteria using common law heads of damages to calculate financial redress up to an indexed cap established in line with community standards.

Of course the job of the Church in assisting survivors isn't finished when a payment is made. We have a lifelong responsibility and commitment to care for the people who have been abused in our institutions. Working in parallel with a national independent redress scheme the Catholic Church would continue to provide uncapped pastoral and spiritual assistance for survivors.

In our submission we have proposed the financial compensation component of the scheme be capped. This cap would be set in accordance with community standards.

The submission we have put to the Commission is specifically about how a national scheme in which all victims of abuse in institutions, regardless of where the abuse occurred, could receive fair and consistent compensation. It is not a submission about how the Catholic Church would set up a stand-alone scheme within the Church in the event a national scheme does not eventuate. That is another conversation.

There has been some discussion since we released the submission about whether a national scheme should be capped or uncapped.

The current situation is that a national statutory scheme in which all victims have the same access to consistent compensation payable by all institutions in which children have been abused will only ever be capped.

Government agencies will never be part of a scheme that doesn't provide some understanding of what their liability is likely to be. It is the case in the military compensation scheme as it is in victims of crime compensation schemes. This is a brutal reality that we have no control over.

Earlier this week the ABC's Four Corners featured [In the Name of the Law](#). It was a damning story on how the Catholic Church has dealt with clerical sex abuse victims in the not too distant past.

There is no doubt the history of clerical sex abuse within the Church is both confronting and shameful. Even after being in this job for 18 months I am constantly challenged by our history and what that means to me as a practising Catholic. You can listen to the full 55 minute interview I gave to Four Corners [here](#).

Next week the Royal Commission will turn its attention to the analysis of the principles, practices and procedures of the Melbourne Response. This is a great opportunity for the Melbourne Archdiocese and the independent commissioners to provide insight into the protocol which was one of the first in the world to be put in place.

The Commission's public hearing on the Marist Brothers finished last week with Provincial, Brother Jeffrey Crowe, recognising the courage of survivors in coming forward and giving witness to the devastating impact of abuse on their lives.

In a public statement released following the hearing Brother Crowe apologised for the inaction and poor processes of the Marist Brothers that had made the situation even worse for survivors.

"This process has enabled us to honestly confront the crimes that have been committed, and our own failures as an institution in the past.

"We know we have made mistakes, and we are trying to learn from them. We are confident that our current approaches, though not perfect, are much more appropriate, transparent and fair," Brother Crowe said.

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www.tjhcouncil.org.au