

Facing the Truth

Learning from the Past How the Catholic Church in Victoria has Responded to Child Abuse

Fact Sheet 18 Victorian Parliamentary Inquiry Report

22 November 2013

On 13 November, the Victorian Parliamentary Inquiry into the Handling of Child Sexual Abuse handed down its report.

The Catholic Church cooperated fully with the Inquiry and made a submission, *Facing the Truth*, on behalf of Victoria's four dioceses and more than 100 religious institutes. The Church had more than 20 representatives appear at public hearings, provided access to relevant files and responded to numerous requests for additional information.

Among other things, the report documents the terrible abuse that occurred in the Catholic Church mainly over a 25 year period from 1960 to 1985. Archbishop Hart said that the abuse was the worst betrayal of trust in his lifetime in the Catholic Church.

The Church supports all the Inquiry's key recommendations. They cover five important areas:

1. Changes to the criminal law
2. Easier access to the civil justice system
3. The introduction of an independent, alternative avenue for justice
4. Greater independent monitoring and scrutiny of organisations
5. Further improvements to prevention systems and processes.

The report recommends changes to the law that would ensure anyone who fails to report a serious indictable offence involving child abuse will be guilty of an offence. During the Inquiry, the Church proposed such a change to the law, though the Church's proposal also included a mechanism to respect the right of victims who wish not to be named.

Similarly, the Church supports recommendations that would see minimum standards and guidelines for government-funded bodies in education and community services to ensure a child-safe environment. The report recommends support for peak bodies to build preventative capability and a review of the Department of Education and Early Childhood Development processes.

The report also recommends changes to ensure that organisations have a legal duty to take reasonable care to prevent child abuse. One of the recommendations would require non-government organisations like the Church to be incorporated and adequately insured. This would make it easier for such organisations to be sued.

There is no place for contrived legal structures to avoid liability, particularly in matters of criminal abuse, and the Catholic Church has never used them. Indeed, the report notes that "there is no evidence that non-government organisations have deliberately been structured to avoid liability".

Central to the report's recommendations is the establishment of a criminal offence relating to "child endangerment" where someone disregards substantial risks that might endanger a child's life, welfare, health, morals or emotional wellbeing. In addition, it recommends a criminal offence of grooming.

The report has some criticisms of the Church processes, the *Melbourne Response* and *Towards Healing*. However, it also acknowledges that these processes are a genuine attempt to respond meaningfully to complaints, and that they have provided assistance to many victims. The Church believes that these processes have supported victims who have come forward, and have helped prevent further abuse. At the same time, the Church accepts it must do better, and it is committed to improvements wherever possible.

The Church welcomed the recommendation that the Victims of Crime Assistance Tribunal sets up an independent scheme for victims, funded by non-government organisations. The Church supports an alternative avenue for victims and is willing to contribute to such a scheme. One of the original reasons for establishing the *Melbourne Response* and *Towards Healing* processes was because there was no alternative to civil procedures for victims.

The report is the beginning of a period of further exploration as the Government considers its response, and victims and organisations review it. The church is committed to contributing constructively to this ongoing process.

For more information and support

www.facingthetruth.org.au

The *Melbourne Response*

Ph: (03) 9225 7979

www.cam.org.au/Melbourne-Response

Towards Healing

Ph: 1800 816 030 or (02) 9669 6218

www.catholic.org.au