



AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

OFFICE OF THE PRESIDENT

23 November 2012

Secretariat
Royal Commission into Child Sexual Abuse
PO Box 6555
CANBERRA ACT 2600
royalcommissionsecretariat@pmc.gov.au

Dear Sir/Madam

The Australian Catholic Bishops Conference (ACBC) is a permanent institution of the Catholic Church in Australia and the instrumentality used by the Australian Catholic Bishops to act nationally and address issues of national significance.

Catholic Religious Australia (CRA) is the peak body for leaders of Religious Institutes and Societies of Apostolic Life resident in Australia. The CRA membership comprises more than 180 congregations of Sisters, Brothers and Religious Priests living and working in all states and territories.

The ACBC and CRA have formally and publicly welcomed the establishment of this Royal Commission (the Commission). In my letter to the Prime Minister of 13 November 2012, I stated: "I am confident that the Royal Commission will enable an examination of the issues associated with child abuse nationally and the identification of measures for better preventing and responding to child abuse in all those institutions that work with children."

The ACBC and CRA welcome the opportunity to respond to the *Consultation Paper on the Establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse*. These comments are offered in response to that Consultation Paper.

The ACBC and CRA believe the foremost consideration in determining the arrangements for the Commission, having regard to the legitimate expectations of the victims/survivors, must be the interests of victims/survivors and their wellbeing. The Church sees this as an opportunity for lasting healing through the exploration of truth for everyone who has been affected by the tragedy of child abuse.

The ACBC and CRA offer the following specific suggestions for consideration in response to the invitation to comment.

1. It is critical that the Commission focus first and foremost on the following:
 - a. Identifying all necessary measures to prevent abuse of children in the future.
 - b. Promoting lasting healing for the survivors of previous abuse.
 - c. Identifying systemic institutional failures that have impeded the protection of children.
2. The ACBC and CRA endorse the comment in the Consultation Paper that the Commission provide “an avenue to identify any policy, legal, administrative, or structural reforms required to ensure the safety and wellbeing of children is central to the policies and practices of all organisations who engage with children.”
3. The ACBC and CRA further endorse that the Commission concern itself with “identifying impediments within institutions and organisations to the proper notification, investigation and prevention of child sexual abuse”.
4. The Terms of Reference should explicitly direct the Commission towards solutions that represent healing for victims/survivors of abuse on a long-term basis, including all support that will alleviate the suffering of victims/survivors into the future.
5. The Terms of Reference should require that the Commission consider the adequacy of support services for victims/survivors and the role and contribution of victims’ advocacy or support groups and the services offered internally by organisations or institutions.
6. All those who have been affected by sexual abuse who wish to do so should be allowed the opportunity to be heard with the intention of assisting healing and restoration.
7. The participation by witnesses in the Commission process could be a difficult or even traumatic experience. The Commission should develop protocols relating to taking evidence in camera and suppressing names of witnesses. We recommend that the Commission engage appropriate expertise to develop a comprehensive framework to make available emotional and psychological support for witnesses.
8. It may be helpful to the Commission to establish a reference body of suitable professionals to guide its processes. This is analogous to institutional ethics committees which commonly scrutinise the methodology of research where people are involved to ensure people are fully respected and ethically treated.
9. In order to facilitate timely action on issues that emerge from the Commission we suggest consideration be given to concurrent hearings and interim reporting.
10. The Terms of Reference should enable the Commission to carefully assess all of the issues preventing abuse being effectively dealt with. This should include consideration of issues such as failures of "non-reporting" and "non-response".

11. The Terms of Reference should also enable the Commission to inquire into the reasons that may deter people from making complaints to child protection authorities or the police to assist in formulating future policy relating to the protection of children and the prosecution of offenders.
12. As a matter of justice the Terms of Reference should enable the Commission to cover all settings that represent a risk of abuse to children.
13. It will be necessary (and desirable) for the Commission to inquire into the current state of the law on, amongst other things, a national framework for law requiring reporting of crime, mandatory reporting of suspected child abuse, legal privilege afforded to various professions and vicarious liability for intentional acts. Given the complexity of each of these aspects of Australian law, and the many factors that must be taken into account when considering reform, we respectfully suggest that the Commission adopt the approach used in previous Royal Commissions of publishing at an appropriate time (and for each such legal issue) further consultation and discussion papers inviting comment from interested parties.
14. On the issue of the composition of the Commission we suggest that the Commission will require sufficient members who have a comprehensive understanding of the current and historic child protection framework throughout Australia to undertake the substantial work of the Commission and best serve the interests of victims/survivors. Knowledge and experience in understanding the causes of psycho sexual dysfunction and the impact on victims of childhood sexual abuse should also be considered.

The ACBC and CRA restate their commitment to co-operate with the Commission and offer these comments in order to assist those responsible for developing the Terms of Reference and establishing the procedures of the Commission.

I am available, together with officials from the ACBC and CRA, and other Catholic Church representatives to discuss any matter relating to the Commission at any time.

Yours sincerely in Christ,

A handwritten signature in black ink, reading "Denis J. Hart". The signature is written in a cursive style with a cross at the beginning.

Archbishop Denis J Hart
President, Australian Catholic Bishops Conference