

SUBMISSION TO ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE.

SUBMISSION BY A GROUP OF CONCERNED QUEENSLAND CATHOLICS.

This submission has five parts:

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PART 1: INTRODUCTION

1. The Royal Commission into Institutional Responses to Child Sexual Abuse is seeking submissions from all interested parties about the content and operation of the Catholic Church's Towards Healing process. The authors of this submission come from a variety of walks of life. However, the overwhelming driving force in us making this submission is not our varied skills and life experiences but, rather, our deep concern for the victims of abuse within the Catholic Church ("Church") and our condemnation of the manner in which the Church treated those victims in the past and continues, under present Church leadership, to treat those victims at the present time.

2. This submission does not dwell on the past treatment of victims as the Church Leadership has publicly acknowledged its failings in the past. We are concerned here with how the Church treats victims of abuse now, and into the future. To this end the Church puts Towards Healing forward as its successful vehicle for providing healing, support and justice to victims of abuse. For example, the Church, through its advisory organisation, the Truth, Justice and Healing Council, recently stated that "Towards Healing is evidence of the Church's professional approach to the scourge of sex abuse" and also that "The Towards Healing protocols have radically improved the Church's handling of sex abuse allegations and its treatment of victims of abuse". Of course, at its highest levels, the Church has had to address the sexual abuse of minors by clergy and religious. Whilst in Australia in 2008, Pope Benedict XVI stated, "Victims should receive compassion and care, and those responsible for these evils must be brought to justice".

3. Accordingly, we are left in no doubt that Towards Healing is the Church's flagship in regard to the treatment of victims of sex abuse. The Church will be judged, ultimately, if it is established that Towards Healing truly provides compassion, care and justice. To assist the Royal Commission we have set out to examine, in some detail, the content and operation of Towards Healing so that we can express our views on the extent to which this process does give victims compassion, care and justice. Unfortunately, we have concluded that Towards Healing fails on all accounts and **we will call upon the Royal Commission to recommend the dismantling of Towards Healing, and in its place, recommend the creation of a truly independent and transparent body, funded by the Church, to investigate and determine complaints of abuse against the Church.**

4. We have also recognised that, whilst the Church, at the institutional level, addresses a complaint by an individual victim through the Towards Healing process, the Church, at the community level, has a much broader responsibility to ensure the victim receives ongoing local support at the parish level. Unfortunately, in relation to the latter aspect that is vital for the long-term health

and recovery of the victim, the Church is found sadly lacking. It is a case of the Church leaders saying one thing and doing something else. **We will be asking the Royal Commission to use its influence to encourage the Church leaders to help grass root Catholics achieve our ultimate aim which is for each parish to provide a public, formal, heartfelt apology to the victims, acknowledging the hurt and lifelong trauma suffered by them, and promising ongoing support and acceptance at a local level.**

PART 2: SUMMARY OF OVERALL SUBMISSION.

5. Any form of sexual behaviour with a child is sexual abuse and, as such, it is a criminal matter, which should be referred to the police and dealt with under the criminal justice system. Having regard to mandatory reporting requirements the only exception to this are cases where the victim chooses not to go to the police but the Church places the victim in the vulnerable position of making this decision without the Church having any requirement to inform them of their rights, legal or otherwise. Clearly, the Church should fund legal advice for the victim in such cases.

6. The structure involved in the setting up and continuing administration of Towards Healing is a minefield. The victim is required to give formal consent to proceeding in accordance with the procedures, including telling his or her story a number of times, without possibly knowing all that is involved.

7. After lasting through what can only be described as a torturous exercise, Towards Healing does not provide justice to the victim. In the ordinary course, the result of a victim's complaint being verified, will be the offer by the Church of an apology and counselling. Whilst these remedies are important to the healing process, they are not provided freely and unencumbered, they have to be negotiated. Towards Healing does not provide for prosecution of the offender or for dismissal from the priesthood or religious life, unless the offender is a seminarian.

8. A glaring weakness is that Towards Healing is not an independent process. From start to finish the scheme is controlled by the Church Authority with the total process, operation and outcome managed by the Director who is appointed by the Church. We believe the lack of a truly independent process provides real problems for both the victims and the Church, including allegations of serious conflicts of interest. We believe there should be a genuine, independent body, funded by the Church, to investigate and determine complaints of abuse against the Church.

9. Throughout the whole Towards Healing process, the accused is given greater access to support and legal advice than the victim.

10. Where compensation is sought by the victim, this has to be dealt with by separate negotiation outside of Towards Healing, even if the victim's complaint has been vindicated by the assessors. Where the victim's complaint has been proven there is no indication whether the victim can use this fact in a separate action with the Church Authority.

11. The victim is required by the Church Authority to sign a Deed of Release where the victim has received independent legal advice or where the victim has certified in writing that he or she declines to seek legal advice. In circumstances where the victim has had their claim upheld and only seeks an apology and counselling services, this requirement by the Church represents the action of a bully. The requirement to sign a Deed of Release should be scrapped.

12. Our views and conclusions are not based on specific abuse cases, although some views have been informed by personal knowledge of the authors of this submission. We recognise, however, the Royal Commission can effectively verify our claims by investigating the information and documents it has secured relevant to abuse cases and by examining the evidence and testimony of both abuse victims and others who have approached the Royal Commission with first hand knowledge of abuse victims.

13. At the end of the day Towards Healing cannot provide the compassion, care and justice which victims demand. There are many problems, which cannot be overcome, particularly the total control by the Church and, thereby, the absence of independence. We have recommended the dismantling of Towards Healing and the creation of an independent body, funded by the Church.

14. We also believe the Church has a broader role and responsibility in ensuring victims receive ongoing support at the local, parish level. We will be asking the Royal Commission to influence Church leaders to bring this about, as it is not currently happening.

PART 3: EXAMINATION OF TOWARDS HEALING.

15. In our examination of the Towards Healing principles and procedures we have used the document titled-" Towards Healing-January 2010 ". For convenience we shall refer to this document as " T H doc ", followed by the appropriate page or clause reference.

16. To begin, it is interesting to note that the words of Pope Benedict XVI are included in the early part of T H doc at page 2. These include the following quotes: "These misdeeds, which constitute so grave a betrayal of trust, deserve unequivocal condemnation.-I ask all of you to support and assist your Bishops, and to work together with them in combating this evil. Victims should receive compassion and care, and those responsible for these evils must be brought to justice. " Similar statements have recently been made by both the current leaders of the Church in Australia and various organizations representing the Church. For example, the Truth, Justice and Healing Council is one such organization.

17. One would think, therefore, that the current actions of the Church would reflect those sentiments and we would see the victims being placed first and we would indeed witness the victims receiving compassion, care and justice. Unfortunately, if one wants evidence that this is not happening, you do not need to look any further than the Towards Healing process.

WHO COMES UNDER THE UMBRELLA OF TOWARDS HEALING

18. Before examining the T H doc we expected to find that the process would have wide application to complaints of sexual abuse, excluding those situations where mandatory reporting requirements result in the matter being referred to the police. However, early in T H doc, at clause 3 we find a clear statement that any form of sexual behaviour with a child or young person, is always sexual abuse and it is also both immoral and criminal. This point is reinforced by the definition of " Abuse " at page 3, which includes any conduct of a sexual nature.

19. Having clearly established that any complaint of sexual behaviour with a child is a criminal matter, we now need to examine what Towards Healing says about criminal matters. Clause 38.1 provides that Towards Healing will not apply to a criminal matter unless the victim chooses not to report the matter to the police. With the exception of mandatory reporting, where the victim chooses not to go to the police, the victim has to confirm this in a signed document and until this is done the complaint cannot be determined under Towards Healing, (clause 37.3).

20. We note that the victim is informed that the Church has a strong preference for the alleged crime to be referred to police so the case can be dealt with under the criminal justice process, (clause 37.1) and we also note that the victim may receive funding for counselling or other assistance pending the outcome of the justice process, (clause 37.2). However, whilst the decision whether to report the matter to the police or not rests with the victim there is no provision in Towards Healing which might inform the victim of his or her rights or to provide legal advice to help in that decision.

21. Furthermore, in connection with legal rights, T H doc makes it very clear that if a victim chooses to be represented by a lawyer in seeking compensation, and is not seeking pastoral support, Towards Healing will not apply, (clause 36.5).

22. The T H doc talks of cases where the behaviour could reasonably fall within the definition of abuse in that document, but was not an alleged criminal offence (clause 38.3). As demonstrated above, this is a nonsense. This sexual behaviour, by definition, is a crime as are acts which cause significant physical injury or mental anguish.

23. To summarise, all cases of sexual abuse are criminal matters and would be expected to be referred to the police and dealt with under the criminal justice system. Having regard to mandatory reporting requirements the only exceptions to this are criminal matters where the victim chooses not to go to the police and this decision is expected to be made by the victim without the Church having any requirement to inform them of their rights, legal or otherwise.

STRUCTURE AND PROCEDURES OF TOWARDS HEALING—IMPACT ON VICTIM

24. The structure involved in the setting up and continuing administration of Towards Healing is a minefield. At both a National and State level we have a myriad of committees, resource groups, consultative panels, national review panels, contact persons, support persons, assessors and facilitators with the Director of Professional Standards in each State playing a key role at all stages of the process and the Church Authority (Bishop or Religious Leader) and Consultative Panel making decisions at the end of the day.

25. The principles and procedures are set out in great detail throughout the 30 pages of T H doc. All actions to be taken under Towards Healing are prescribed in specific terms throughout the document. However, interestingly, there is a “catch all “ provision at clause 39.5 that gives the Director of Professional Standards the discretion to depart from the laid down processes in the special circumstances of the case. This, of course, highlights the powerful position of the Director in the whole Towards Healing process.

26. To gauge the impact all of this has on the victim, it is worth tracing the steps taken by the victim in pursuing a complaint under Towards Healing. In summary the steps are as follows:

26.1 The process starts when the victim makes a written complaint with the Church Authority or Director of Professional Standards (“ Director “) or, alternatively, makes a verbal complaint which is referred to a contact person and then reduced to writing, (clauses 36.1 & 36.3.2).

26.2 The contact person explains to the victim what is involved and the victim is required to give consent to proceeding in accordance with Towards Healing procedures, (clause 36.3.1).

26.3 The Director may arrange for the Church Authority to meet with the victim at an early stage to discuss support for the victim, (clause 36.8).

26.4 Where an alleged crime is involved, the Director informs the victim of the Church's preference for the matter to be referred to the police, and dealt with under the justice system. Where the victim decides not to go to the police this has to be recorded in writing and signed by the victim otherwise the matter cannot proceed to assessment, (clause 37.3).

26.5 Where the matter is not an alleged criminal offence the Church Authority may involve the victim and offender in counselling and mediation, (clause 38.3).

26.6 Where the complaint is proceeding under Towards Healing and the possibility of a criminal offence arises for the first time the proceedings are to cease immediately and not resume until the victim signs a document declaring the matter will not be referred to the police, (clause 39.4).

26.7 The victim is to be interviewed by one or two Assessors, (clause 40.3).

26.8 The victim is to be advised at some stage of the offender's version of events, (clause 40.3).

26.9 Where the victim is not regarded as co-operating in the assessment process, the Director has discretion to close the matter, (clause 40.3.6).

26.10 The interview with the victim is to be tape recorded, (clause 40.8).

26.11 After the assessment the assessors provide a written report, with findings and reasons, to the Church Authority and Director, (clause 40.9). The Director communicates the findings and reasons to both the victim and offender, (40.9.3). We note that the T H doc does not specify whether the actual report, including reasons, is supplied to the victim. The document is also silent on whether The Director informs the victim in writing.

26.12 All records and documents are treated as confidential and are kept by the Director, (clause 40.13).

26.13 The Church Authority may require a report from a professional concerning the impact of the abuse on the victim, (clause 41.2).

26.14 Facilitation is the normal means of concluding the matter. The victim and Church Authority need to agree on a facilitator. Where no agreement the Executive Officer of the National Committee for Professional Standards appoints a facilitator, (clause 41.4).

26.15 The facilitator arranges a meeting between the victim and Church Authority. The Director is not normally involved in this process but may do so under the " catch all" clause, (clauses 41.4.1, 41.4.2 and 39.5).

26.16 Where the victim seeks monetary reparation (compensation) this is to be dealt with by separate negotiation outside of the facilitation process, (clause 41.4.3). No details are given in the document to explain how the victim, who has had his or her complaint substantiated by this stage, would then go about negotiating for compensation. We can only assume then that the victim would have to commence a separate action with the Church Authority.

26.17 The facilitator ensures there is a record of agreement reached with the victim, (clause 41.4.6).

26.18 The victim is required by the Church Authority to sign a Deed of Release where the victim has received independent legal advice or where the victim has provided in writing that he or she declines to seek legal advice, (clause 41.4.9). The Church will pay reasonable costs in obtaining legal advice on a Deed of Release, (clause 41.4.10).

27. After a victim of child sexual abuse has experienced a vile criminal act we can only imagine what it would be like to relive it time and time again as required under the Towards Healing process summarised above. In this regard it is pleasing to note Towards Healing does aim to minimise the number of times the victim has to tell his or her story, (clause 36.7). On the other hand, after being successful in lasting this long, drawn out process, and having the assessors sustain their complaint, the victims then face the possibility of either the accused or the Church Authority requesting a review by a National Review Panel, (clause 44.2). What the victims would then face does not bear thinking about.

28. After going through such a torturous process under Towards Healing, and having a finding in his or her favour, we would expect the victim to finally get justice from the Church. Therefore we need to examine what Towards Healing provides by way of outcomes relating to both the victim and the offender.

DO VICTIMS RECEIVE JUSTICE UNDER TOWARDS HEALING?

29. We consider that this is the most disappointing feature of Towards Healing. In simple terms, where the Church Authority is satisfied of the truth of the complaint, the response of the Church is to make an apology and/or assist with counselling. We note that financial assistance or reparation may be paid to victims, even though the Church is not legally liable, (clause 41.1.1). However, as we have previously stated, the provisions of Towards Healing make it clear that any compensation has to be pursued outside of Towards Healing and we have also observed public statements by Mr Francis Sullivan, CEO of the Truth, Justice and Healing Council to the effect that compensation is not part of the Towards Healing process.

30. Clearly, an apology and counselling will be important parts of the healing process for the victim and, as we mentioned previously, facilitation is the process where agreement is reached between the victim and Church Authority. Leaving aside for the moment the issue of the independence of the facilitator and Director, the real area of concern here is the requirement by the Church Authority that the victim signs a Deed of Release, where the victim has had independent legal advice or signs a statement that he or she declines to seek legal advice. In circumstances where the victim has had their claim upheld and only seeks an apology and counselling services, this requirement by the Church could be described as no more than the actions of a bully.

31. We have observed in television and other programs where a number of sexual abuse victims have been brought together and questioned on their views of justice, the one theme which is communicated time and time again is their need to see the offender brought to account. As noted above, Pope Benedict XVI referred to this as—“---and those responsible for these evils must be brought to justice.” It is necessary, therefore, to examine the provisions of Towards Healing as they relate to the offender. These are found at clause 42. These provisions are couched in very vague terms. They talk about the degree of risk of further abuse, the seriousness of the matter and whether the offender can return to ministry. In regard to this latter point we find, at clause 42.5, perhaps the most uncertain comment in the whole document. It provides that the decisions of the Church Authority as to future ministry of a cleric or religious are to be made in a manner that is not inconsistent with the provisions of Church law. These clearly unsatisfactory procedures reflect the equally unsatisfactory principles set down in paragraphs 27-29 of T H doc. In particular the statement at paragraph 29, that Church Authorities need to tell the offender of a serious sexual crime against a child that there can be forgiveness, by human beings (presumably the victim) as well as by God, appears to us to be quite inappropriate in a document called Towards Healing.

32. In summary, we do not believe that Towards Healing provides justice to victims of sexual abuse. An apology and counselling, whilst clearly important in the healing process, is not provided freely and unencumbered, it has to be negotiated or facilitated. More importantly, if a victim has been vindicated through Towards Healing, he or she should expect the Church to take strong measures to bring the offender to account. The victim should expect these measures to include clear statements that the offender will be referred to the police for prosecution and will be dismissed from the priesthood or religious life. Unfortunately, Towards Healing contains no such provisions. Apparently, it is only seminarians that will be dismissed, (clause 45.9).

INDEPENDENCE AND CONTROL

33. A glaring weakness with Towards Healing is that it clearly is not an independent process. From start to finish the Towards Healing scheme is controlled by the Church Authority with the total process, operation and outcome being managed by the Director who is appointed by the Church.

34. We do not need to discuss this at length. We acknowledge that the assessors are independent, (clause 40.1.1), as, indeed, they must be to determine the truthfulness of the victim's complaint against the Church. However, this is just about where independence starts and finishes. To all intents and purposes the Church effectively manages the process and determines the final outcome, after assessment.

35. As mentioned previously, the Director is in a most powerful and influential position throughout the Towards Healing process. The Director is required to manage the whole process, appoint assessors and facilitators, convene and chair the various meetings, have an overview of all matters and be responsible for safe keeping of all documents. In addition, the Director is the person who communicates with both the victim and offender and also consults with the Church Authority in relation to final outcomes.

36. Whilst the Director is appointed by the Church and is clearly not an independent person, it could be said that the integrity of the whole Towards Healing process falls heavily on the shoulder of the Director. In this respect we were most alarmed to hear of allegations made in a recent television program. In that program it was alleged that a number of Directors who managed abuse cases under Towards Healing were, at the same time, Directors of the Catholic Insurance Company responsible for any payouts to victims. It was also claimed that a number of documents from actual abuse cases were destroyed. We are not in a position to verify those claims but we call upon the Royal Commission to do so. If those claims are correct they would not only constitute a gross conflict of interest but they would also call into play the integrity of both the Towards Healing process and the Church officials controlling it.

37. In our view the lack of a truly independent process provides real problems for both the victims and the Church. We believe there should be a genuine, transparent, independent body, funded by the Church, to investigate and determine complaints of abuse against the Church.

TREATMENT OF VICTIM AND OFFENDER---IMPARTIAL OR BIASED

38. We note that when a complaint is first made with the Church and brought to the attention of the accused, that person is entitled to be informed about his or her rights and also has the right to independent legal advice, funded by the Church, (clauses 38.5 and 38.6). In addition, the accused is offered a support person to represent his or her needs and to care for the accused during the Towards Healing process.

39. We understand the Church giving support to the accused, particularly where no complaints have previously been made against that person. However it is interesting to compare this with the level of support the Church offers the victim when a complaint is made. As we explained early in this submission, (paragraph 19 above) any complaint of sexual abuse is a criminal matter and the critical decision for the victim when making the complaint is to determine whether to report the matter to the police. Unfortunately, there is no provision in Towards Healing that might inform the victim of his or her rights or to provide legal advice to help make that decision. All the Church is required to do under Towards Healing is to explain mandatory reporting and explain its strong preference to refer the matter to police.

40. We do not know the lengths to which Directors or other Church personnel have gone to persuade victims to go to police, although Royal Commission investigators can establish this through examination of tape recordings and documents. However we do know the victims have to state in writing they will not go to police and this is required by the Church without providing legal advice. This is most unsatisfactory and leads us to conclude the accused is given preferential treatment by the Church.

TOWARDS HEALING IN PRACTICE

41. Our submission set out in the preceding paragraphs communicates our analysis of the document titled "Towards Healing- January 2010 ". Our analysis, and the critical views and opinions expressed in the submission, are based on the provisions contained in that document. We do not claim that our submission is based on specific abuse cases although some of the views expressed have been informed by the personal knowledge of some of the authors of this submission. However, in regard to how Towards Healing operates in practice we would like to respectfully steer the Royal Commission in two directions.

42. The first point, of course, is the obvious one of examining submissions made by people who have first hand knowledge of sexual abuse victims and how they fared under the Towards Healing process. After the evidence of the victims

themselves, the testimony of such people will be the most important vehicle for conveying to the Royal Commission the evidence that the victims have, or have not, received compassion, care and justice. In this regard, we would envisage most of these submissions would come from people outside of the Church. However we are aware of one submission made by a Catholic Priest to the Victorian Parliamentary Inquiry into Child Sexual abuse and we draw attention of the Commission to that submission. The Priest is FR Kevin Dillon of St Mary of the Angels' Parish, Geelong, Victoria. Fr Dillon has had considerable experience dealing with abuse victims and we believe his opinions on Church processes, including Towards Healing, are relevant to the Royal Commission.

43. The second avenue for verifying the various claims made about Towards Healing by the Church is for the Royal Commission to test those claims on important issues. We are aware the Commission will have access to all information and documents, directly or indirectly, relevant to the abuse cases brought before the Church and we would certainly not want to be seen to suggest how the Commission should go about its task. In the course of preparing this submission some of the important issues that came to our attention are summarised as follows:

43.1. In the event that Directors or other Church personnel, who played a role in "reparation" or "compensation" payments, were also officials of the Catholic Insurance Company responsible for making such payments, how does the Church justify this conflict of interest?

43.2. Apart from telling the victim the Church has a preference for the victim to go to police and noting the victim has to sign a statement where he or she does not do so, what evidence is there that the victim understands the implications of not going to police?

43.3. As the victim is required to give consent to proceeding in accordance with Towards Healing, what evidence is there to suggest the victim really understood the involved process in proceeding with Towards Healing?

43.4. After the assessment process, the Director communicates the finding and reasons to the victim. What is the nature of this communication? If it is not a copy of the assessors report, what is actually conveyed to the victim?

43.5. Does the victim receive a copy of all information and documents, relevant to his or her case, including tape recordings?

43.6. How many cases exist where the Director was involved with the facilitation process? In these cases is there evidence of written approval by the Executive Officer of the National Committee for Professional Standards?

43.7. Where a Towards Healing process has started and the victim seeks compensation, what advice is given to the victim? Even if the complaint has been

proven by this stage, does the victim have to start all over again within the Church or can the victim at least use the proven verdict in a separate action?

43.8. What advice is given to the victim when informed they are required to sign a Deed of Release? Are they informed of the consequences if they do not sign?

43.9. How many cases have been determined where the victim's complaint has been proven and then, either the Church or accused, has applied for review by the National Review Panel? Of these cases, how many had the original decision reversed?

43.10. Are there any cases where compensation has been paid under Towards Healing?

43.11. What evidence is there to indicate the victim has a support person to guide them and care for them through the whole Towards Healing process? If not how does the Church justify the preferential treatment afforded to the accused.

43.12. Based on the accounting records for the Towards Healing process and statistics concerning the number of victims, what is the average amount of money paid to each victim, including the amount paid for independent legal advice?

43.13. The final, and ultimate, test of Towards Healing will be evidence from the victims themselves as to whether they have been treated with compassion and care throughout the process and whether they believe they have received justice after the final outcome.

PART 4: CONCLUDING STATEMENTS

44. Long after the extent of child sexual abuse in the Church was exposed, ultimately resulting in the appointment of a Royal Commission, the Church and its most senior officials have made public statements condemning the abuse and the cover up. They have also put the blame squarely onto former Church officials and apologised for the pain and suffering of the victims. With regard to future action, statements have also been made by the same senior officials, which echo the words of Pope Benedict XVI about the need for victims to receive compassion, care and justice, (see paragraph 16 of submission). Statements made by Cardinal George Pell, Archbishop Mark Coleridge, Archbishop Denis Hart and other senior Church leaders, along these lines, are reproduced by Mr Francis Sullivan in an address he delivered in Canberra on 22 June, 2013 on behalf of the Church's Truth, Justice and Healing Council.

45. We believe it is worth highlighting extracts from statements made by the current senior Church leaders referred to in the preceding paragraph. These include references to:

- # putting the victim first;
- # giving practical help and support to those who have suffered;
- # bringing the truth to light;
- # bringing justice and healing to those who have suffered;
- # emphasising that protection of children is of prime importance, not the protection of any organisation;
- # victims and their families must receive respect, justice and compassion;
- # there must be no attempts to disguise, diminish or avoid the actions of Priests and Religious who have betrayed their sacred trust.

46. After our examination of Towards Healing we have made a number of conclusions. Firstly, we believe there is a real danger that, in the absence of proper advice, criminal cases of sexual abuse of children will not be referred to police. Secondly, victims are expected to formally agree on a process without possibly knowing what is involved. Thirdly, the lack of a truly independent process creates real problems for both the victim and the Church. Fourthly, throughout the whole Towards Healing process, the accused is given greater access to support and legal advice than the victim. Finally, and perhaps most importantly, we believe it is most unlikely the victim will receive justice at the conclusion of the Towards Healing process.

47. If, after the investigation of Towards Healing, the Royal Commission verifies the conclusions we have reached in this submission we would have to submit that Towards Healing is fundamentally a flawed system. No doubt improvements can be made in some areas of the process. However, at the end of the day, the very same Church against which the complaint is made will still control the process. We consider the lack of genuine independence and the inherent desire to protect the interests of the Church are obstacles that will prevent the victims achieving real justice.

48. Whilst it does not specifically relate to Towards Healing there is another very important aspect of sexual abuse that we wish to highlight to the Royal Commission. We said at the very beginning of this submission (paragraph 1) that we condemn the Church, not only for its past treatment of victims, but also for the manner in which it continues, under present Church leadership, to treat victims at the present time. To explain further, Towards Healing is basically about how the Church, the institution, responds to an individual victim of sex abuse. However, recognising that the victim is a member of the much larger community of the Church, it is also paramount for the Church leadership to involve all parishes in providing compassion, support and assistance to victims at the local level.

49. The ordinary member of the Catholic Church, but particularly victims of sex abuse, could be forgiven for thinking the Church leadership is genuine in providing support at the parish level. Indeed, there have been a number of public

statements calling for feedback from parishes and ideas how parishes, within the Catholic community, can help to play their part in providing justice, healing and compassion for victims at that local level. We note that Mr Francis Sullivan of the Truth, Justice and Healing Council has made a number of statements in this regard and he has also confirmed parish involvement in a letter to one of the authors of this submission. Sadly, we regretfully inform the Royal Commission that we have been advised; at least as far as the Brisbane diocese is concerned, that parishes will not be providing any support to victims, until the conclusion of the Royal Commission. We view this as yet another example of the Church leaders saying one thing but doing something else.

PART 5: RECOMMENDATIONS

50. We wish to make two recommendations, both of which can be regarded as equally important. ***With regard to Towards Healing we believe the Royal Commission should recommend the dismantling of the current process, managed and controlled by the Church, and, in its place, recommend the creation of a truly independent and transparent body, funded by the Church, to investigate and determine complaints of sexual abuse of minors against the Church. This body must, where appropriate, have links to the victim's parish so the Church community can provide ongoing support at the local level.***

51. Our second and final recommendation is ***to ask the Royal Commission to do all within its power to influence the Church, and Church leadership, to help grass root Catholics to achieve our ultimate aim which is for each parish to provide a public, formal, heartfelt apology to the victims, acknowledging the hurt and lifelong trauma suffered by them, and promising ongoing support and acceptance at a local level.***

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30 August 2013

