

SEXUAL ABUSE

THE RESPONSE OF
THE ARCHDIOCESE OF SYDNEY

CONTENTS

INTRODUCTION: Justice and Healing	4
Four key principles	5
The victims of sexual abuse are our first priority.	
Preventing abuse and protecting people.	
Sexual abuse is a crime which must be reported to the police.	
No protection of abusers and no cover ups.	
A Clear Message	6
PROCEDURES TODAY: Reporting to police	7
The police are best placed to investigate sexual abuse allegations, not the church. Allegations of sexual abuse are reported to the police. Accused priests and church workers are NOT “tipped off” about police investigations. Procedures the Archdiocese follows when a victim reports a complaint directly to the police. When the police are investigating, any Towards Healing inquiry is suspended.	
Help for victims	8
The Archdiocese of Sydney provides substantial financial support to victims of sexual abuse. No victim is silenced in return for support. The Archdiocese accepts its moral responsibility to address abuse claims. The Archdiocese does not shield priests and church workers from civil liability. The Archdiocese of Sydney does not attempt to shift its clear legal responsibilities. The Archdiocese of Sydney works to resolve legal action out of court rather than litigate.	
Preventing sexual abuse and protecting the community	10
The Archdiocese of Sydney does not cover up sexual abuse or protect those accused of sexual abuse. Towards Healing does not require a criminal conviction to act against a priest or church worker who may be a risk to children or the community. The Archdiocese works to prevent abuse.	
How Towards Healing works	11
The process for dealing with complaints under Towards Healing Victims retain the right to go to the police at any stage. Why the church has its own process for dealing with complaints of sexual abuse. Towards Healing complaints are NOT investigated “in house”. An independent committee chaired by a retired NSW Supreme Court judge advises the Archbishop of Sydney on Towards Healing.	
Accused priests and church workers	12
The legal rights of priests and church workers accused of sexual abuse are respected. There is no financial assistance from the Archdiocese of Sydney for legal costs for priests of the Archdiocese who are accused of crimes. In addition to any conviction and punishment of priests by the courts, priests of the Archdiocese of Sydney who have committed crimes against children or pose a risk to them are permanently removed from public ministry. Church penalties are NOT a substitute for jail or other penalties imposed by the courts.	
Responsibility in the church	13
Responsibility for responding to complaints of sexual abuse in the Archdiocese of Sydney. The Archdiocese of Sydney does not “pass the buck” to other church authorities. Members of religious orders. The Vatican requires local churches to comply with the civil law on sexual abuse.	
CONCLUSION	14
The Response of the Archdiocese of Sydney: A Summary	15

JUSTICE AND HEALING

Sexual abuse in the Catholic Church has caused deep concern among Catholics and the wider community. It is shameful and shocking that this abuse, with its tragic toll on those who were abused and on their families, was committed by Catholic priests and church workers. That church officials have sometimes failed to deal appropriately with those who have been abused, and with priests and church workers accused of abuse is deeply disturbing.

We acknowledge the pain that victims and their families have experienced and continue to experience. We express our remorse for past failures and extend our sincere regret and deep sympathy to them.

The establishment of the Towards Healing procedures by the church in 1996 (see pages 6 and 11) was a significant improvement in trying to assist victims and their families and a break with past procedures. We continue to work to refine and improve our manner of responding to victims and to the allegations and concerns they bring forward.

Given the deep concern about how the problem of sexual abuse has been dealt with, it is important for the community to know how the Archdiocese of Sydney deals with these matters **TODAY** and how it supports and assists victims of sexual abuse.

FOUR KEY PRINCIPLES

The victims of sexual abuse are our first priority.

Helping victims and ensuring that they are heard, believed, and treated with compassion and respect, is our first priority. Helping victims always takes precedence over any concern to protect the church or the priesthood.

Preventing abuse and protecting people.

Ensuring the safety of people in our parishes, schools and works, especially children, young people and anyone who is vulnerable, is an equal priority for the Archdiocese. The law requires rigorous screening and supervision of all those, including priests and church workers, who work with children and young people. Seminary formation and the on-going education of priests also play an important part in raising awareness and ensuring the protection of young people and children.

Sexual abuse is a crime which must be reported to the police.

The police are best placed to investigate allegations of sexual abuse and sexual assault, not the church. Sexual abuse has no place in the church and the best way to investigate it is to report criminal conduct to the police. The law requires serious crimes to be reported to the police and the policy of the Archdiocese is to report allegations of sexual abuse to the police.

No protection of abusers and no cover ups.

The Archdiocese of Sydney is committed to telling the truth about sexual abuse in the church and to bringing it to light. Those who commit crimes against children or other vulnerable people or who pose a risk to them have no place in the priesthood and are removed from public ministry. This means they cannot work as a priest. New procedures introduced by the Holy See (the Vatican) have also made it easier to deprive priests who commit crimes against children and other vulnerable people of their priestly status; to “laicise” or “defrock” them.

A CLEAR MESSAGE

Sexual assault is a serious crime inside and beyond the church. We understand a great deal more now than we did even ten years ago about the extent of this problem, how complaints should be addressed, how victims must be treated, and what needs to be done to prevent and detect sexual abuse. Serious mistakes have been made in the past, and the procedures that are now in place are designed to help ensure that these mistakes do not happen again. **The church in Australia is committed to reviewing and improving these procedures continually.**

We have been working for years to improve our response to sexual abuse and to make our communities as safe as possible for children.

A significant break with the past was made in 1996 with the establishment of Towards Healing, the national process established by the Australian bishops and religious orders which the Archdiocese of Sydney follows in responding to complaints of sexual abuse (The Archdiocese of Melbourne introduced its own protocol, the Melbourne Response, prior to the establishment of Towards Healing).

The police are best placed to investigate sexual abuse allegations, not the church.

Towards Healing requires allegations of criminal conduct to be reported to the police and other authorities.

When victims do not wish to go to the police or go through the courts, Towards Healing uses independent experts to investigate complaints and offers a pastoral process which provides victims with a non-adversarial way of seeking justice. Towards Healing offers support to victims through counselling, pastoral care and other measures including financial assistance. In the Archdiocese of Sydney an independent consultative panel chaired by a retired judge of the New South Wales Supreme Court advises the Archbishop on Towards Healing and professional standards matters.

Since it was established Towards Healing has been enhanced by two independent reviews

in 1999-2000 and 2008-09. The Archdiocese continues to provide feedback to strengthen Towards Healing and improve its effectiveness.

In responding to sexual abuse the Archdiocese seeks at all times to follow the laws of New South Wales, the Towards Healing protocol, the principles of natural justice and the requirements of canon law. **In every process the Archdiocese treats the rights and needs of victims as its first priority.**

“The police are best placed to investigate sexual abuse allegations, not the church.”

PROCEDURES TODAY

Some of these practices are well-established, and some are more recent developments made in the light of experience and a better understanding of what justice, the law, and our commitment to victims requires. When any outstanding issues from cases in the past are brought to our attention, the Archdiocese works to address them in accordance with these current practices:

REPORTING TO POLICE

The police are best placed to investigate sexual abuse allegations, not the church.

People who contact the Professional Standards Office in New South Wales (which administers Towards Healing) with complaints of sexual abuse are encouraged to notify the police and are assisted to do so. The policy of the Archdiocese is for allegations of sexual abuse to be reported to the police so that they can be investigated and dealt with through the justice system. **Towards Healing is NOT a substitute for a police investigation.**

Allegations of sexual abuse are reported to the police.

Unlike the law in some other Australian states, the law in New South Wales requires anyone who knows or believes that a serious crime has been committed and has information about it to report it to the police. **The Professional Standards Office reports allegations of sexual abuse to the police.** This includes allegations made against someone who is deceased, because these allegations may still be of assistance to the police. When a victim does not wish to go to the police, this is respected by reporting all the details of the allegations except for the victim's identity (that is, neither their name nor other identifying details are reported). If the police wish to contact the victim, this request is always passed on to the victim.

Accused priests and church workers are NOT "tipped off" about police investigations.

The Archdiocese and the Professional Standards Office comply with the law and do **not** alert an accused priest or church worker of a criminal complaint or possible complaint against them or any criminal investigation unless the police give permission. Anyone accused of a serious crime has a right to know the allegations made against them and this principle of natural justice is followed by the Archdiocese and by the Professional Standards Office in accordance with Towards Healing. At the same time, a police investigation or potential investigation can be compromised if an accused person is alerted before the police themselves are ready to make contact with them.

"The Professional Standards Office reports allegations of sexual abuse to the police."

Procedures the Archdiocese follows when a victim reports a complaint directly to the police.

If a victim reports an allegation of sexual abuse against a priest or church worker of the Archdiocese of Sydney directly to the police, the Archdiocese takes no action without the express permission of the police. The Archdiocese is in any case not able to take any action unless we have been made aware of the complaint, either by the victim or the police. If the Archdiocese has been made aware of the complaint it does not inform the accused person of anything concerning the complaint unless police permission is given.

When the police are investigating, any Towards Healing inquiry is suspended.

The Archdiocese takes great care to ensure that nothing compromises a police investigation. If a victim comes to Towards Healing and the police also decide to investigate the victim's complaint, any Towards Healing inquiry must stop until all police inquiries or criminal prosecutions are completed. Counselling and other appropriate support for victims continue to be available during any police investigation.

8

HELP FOR VICTIMS

The Archdiocese of Sydney provides substantial financial support to victims of sexual abuse.

Under Towards Healing victims of sexual abuse can receive significant levels of financial assistance from the Archdiocese, together with ongoing counselling and pastoral support. **Claims that the Archdiocese "caps" support for victims are untrue.** If victims wish, the Archdiocese remains in contact with them after their complaints have been resolved through Towards Healing or the courts, and tries to provide support when this is requested and appropriate. **The door always remains open for victims of sexual abuse.**

No victim is silenced in return for support.

The Archdiocese does not impose any obligation of silence on victims of sexual abuse in resolving complaints, and Towards Healing expressly forbids this. The Archdiocese does not use confidentiality clauses or deeds of release in Towards Healing or in any pastoral response to complaints unless this is requested by the victim for personal reasons, such as privacy. Even then, it is made clear that victims always remain free to speak about the abuse they have suffered and the Archdiocese's response to them.

The Archdiocese accepts its moral responsibility to address abuse claims.

The Archdiocese accepts its moral responsibility to address claims of sexual abuse against its priests and workers, and to **treat all victims of abuse with respect and compassion.**

The Archdiocese does not shield priests and church workers from civil liability.

In addition to any criminal investigation, **victims of sexual abuse by a priest or church worker of the Archdiocese have a right to take legal action against the officials or entities of the Archdiocese in the courts.** This right is not lost by taking part in Towards Healing, which offers an alternative to civil legal action. The Archdiocese does not shield those responsible for supervising priests or other church workers behind a corporate structure. **It is untrue that church entities cannot be sued, as some claim. Those responsible for supervising someone accused of abuse can be sued (and have been sued), and any damages awarded against them are determined by the standards that prevail in Australian society. Any award of damages will always be paid, and insurance policies and the assets of the Archdiocese are drawn on to do so.**

The Archdiocese of Sydney does not attempt to shift its clear legal responsibilities.

The Archdiocese accepts its responsibility when victims of abuse seek damages through legal proceedings and when responsibility or potential responsibility is clear. If the Archdiocese is not the responsible church authority in a damages claim, we always try to assist victims to identify the church entity which has responsibility.

The Archdiocese of Sydney works to resolve legal action out of court rather than litigate.

When it is clear that the supervision of a person accused of sexual abuse was the responsibility of an official or an entity of the Archdiocese, **our strong preference is to resolve claims pastorally and in a non-adversarial manner so victims can avoid the costs and stress of litigation.** If proceedings have been commenced in the civil courts and the Archdiocese is responsible or potentially responsible, we seek to settle the case rather than requiring victims to litigate to final judgement.

“It is untrue that church entities cannot be sued, as some claim.”

PREVENTING SEXUAL ABUSE AND PROTECTING THE COMMUNITY

10

The Archdiocese of Sydney does **NOT** cover up sexual abuse or protect those accused of sexual abuse.

The law in New South Wales requires anyone who knows or believes that a serious crime has been committed and has information about it to report it to the police. "Reportable conduct", including **allegations of sexual assault of children, must be reported also to the New South Wales Ombudsman, who monitors church investigations and outcomes** concerning people who are working with children. State child protection legislation requires a criminal background check for those who work with children and young people, including priests. **The Archdiocese complies with all these obligations** by reporting to the appropriate government authority, either directly or through the Professional Standards Office.

Towards Healing does not require a criminal conviction to act against a priest or church worker who may be a risk to children or the community.

The Towards Healing process does not require a priest or church worker to be arrested or convicted in the courts to uphold a complaint or to conclude that an accused person represents a risk to children or other vulnerable people. **This is very important especially when police decide they cannot investigate or when a criminal prosecution does not continue.** In such cases Towards Healing ensures that the principles of natural justice are followed.

The Archdiocese works to prevent abuse.

Men who apply for acceptance as seminarians to prepare for the priesthood must undergo a psychological assessment before being accepted. Before they are permitted to work with children they must undergo a working with children check. The pastoral care and formation programs of the seminaries of the Archdiocese of Sydney are developed **to try to ensure that those ordained are suitable for priestly work and do not represent a danger to children or other vulnerable people.** Once ordained, ongoing formation and education programs and in-service programs play an essential part in the pastoral care of priests. They help to ensure a high level of awareness about sexual abuse and to maintain the high standards of conduct to which priests have committed themselves in the service of others.

"...allegations of sexual assault of children, must be reported also to the New South Wales Ombudsman, who monitors church investigations and outcomes..."

HOW TOWARDS HEALING WORKS

The process for dealing with complaints under Towards Healing.

When an accusation is made against a priest or church worker of the Sydney Archdiocese, the matter is referred to the Archbishop who takes advice from the Director of Professional Standards and others with expertise in this area. After initial consideration of the complaint, a response is made to the complainant urging them to report any criminal conduct to the police. If that is not their choice and if there is significant uncertainty about the facts of the case, the Archbishop instructs the Director of Professional Standards to appoint an independent expert investigator. The Archbishop does not participate in the process of independent investigation and regularly accepts the recommendation of the investigator and Director of Professional Standards. **The police and Ombudsman are informed by the Director of Professional Standards as required by the law.**

Victims retain the right to go to the police at any stage.

No one is required to waive their right to go to the police as a condition for taking part in Towards Healing or seeking assistance from the Archdiocese. **Victims remain free to go to the police at any time** during a Towards Healing process.

Why the church has its own process for dealing with complaints of sexual abuse.

Sometimes the police cannot investigate crimes (for example, when the alleged abuser is dead), and sometimes victims of sexual abuse themselves

do not wish to go to the police. **The Archdiocese would be failing victims of sexual abuse if it did nothing in these situations.** Towards Healing also provides a pastoral response for victims after they have accessed the criminal justice system.

Towards Healing complaints are NOT investigated "in house".

Towards Healing offers independent assessment by experts with experience in conducting investigations at a high level. Assessors include former police investigators, lawyers experienced with criminal matters, and other professionals with similar expertise.

An independent committee chaired by a retired NSW Supreme Court judge advises the Archbishop of Sydney on Towards Healing.

A retired judge of the Court of Appeal of the NSW Supreme Court (who happens not to be a Catholic) was appointed by Cardinal Pell to chair an independent consultative panel of experts. Towards Healing requires the Archbishop to refer to this panel for its recommendations a number of important matters arising under Towards Healing or in a professional standards context, including whether someone poses a risk to children or other vulnerable people.

ACCUSED PRIESTS AND CHURCH WORKERS

12

The legal rights of priests and church workers accused of sexual abuse are respected.

Like anyone else accused of a serious crime, accused priests and church workers are presumed innocent until proven guilty. This is an important safeguard for everyone. Those accused of sexual abuse are treated in accordance with the demands of natural justice. **If a serious allegation of sexual abuse is made against a priest of the Archdiocese he will be stood down (unless the Archdiocese is directed not to do so by the police).** An accused person will also be stood down if he or she faces criminal charges, or at the direction of the police or the Ombudsman, or if assessed as posing a risk to children and other vulnerable people.

There is no financial assistance from the Archdiocese of Sydney for legal costs for priests of the Archdiocese who are accused of crimes.

If priests of the Archdiocese face criminal prosecution they must meet their own legal costs or seek legal aid.

In addition to any conviction and punishment of priests by the courts, priests of the Archdiocese of Sydney who have committed crimes against children or pose a risk to them are permanently removed from public ministry.

This means they can no longer act publicly as priests. They cannot say Mass with people either in churches or homes, hear confessions or celebrate any sacraments, or hold the position of trust that comes with being appointed to serve as a priest. Changes to canon law (the law of the church) have also made it easier to deprive those who abuse children of their priestly status. This is in addition to any punishment the criminal law imposes on them.

"Sydney priests who have committed crimes against children or pose a risk to them are permanently removed from public ministry."

Church penalties are **NOT** a substitute for jail or other penalties imposed by the courts.

In circumstances where the victim does not wish to go to the police or where the police decide they cannot investigate, removal from public ministry and possibly the priesthood are the strongest punishments available to the church. These punishments are **an important way of helping to protect children and other vulnerable people** because they remove perpetrators from the position of trust that the priesthood provides.

RESPONSIBILITY IN THE CHURCH

13

Responsibility for responding to complaints of sexual abuse in the Archdiocese of Sydney.

Final responsibility within the church for responding to complaints of sexual abuse against priests or church workers who belong to the Archdiocese rests with the Archbishop. He is assisted in this by the Chancellor of the Archdiocese, who serves as his delegate and ensures that the proper processes are followed. Accusations against teachers working in the Archdiocese's schools are handled by the Executive Director of Catholic Schools as the Archbishop's delegate. Complaints against members of religious orders (priests, brothers, nuns), even if they are working in the Archdiocese, are the responsibility of their religious superior, and the Archbishop ensures that such complaints are referred to them and the Professional Standards Office for appropriate action following the law and Towards Healing.

The Archdiocese of Sydney does **NOT** "pass the buck" to other church authorities.

Cardinal Pell is not the head of the church in Australia as is commonly reported in the media and elsewhere. His authority is limited to the Archdiocese of Sydney. There is a division of responsibility in the church somewhat like the separation of powers in a democracy or the division of responsibilities between the States and the Commonwealth in Australia. Each bishop supervises his own priests and church workers and is responsible for dealing with any allegations of sexual abuse made against them. For this reason referring complaints to the bishop who has authority over an accused person is not "passing the buck". It is an essential first step in ensuring that action is taken on a complaint. When a complaint is made to the Archbishop of Sydney about a priest or church worker not under his authority, he ensures that **the Professional Standards Office is informed so that the allegations can be reported to the police**, and refers the complaint to the proper church authority for appropriate action following the law and Towards Healing. He also informs the complainant of this.

Members of religious orders

In a similar way to bishops, religious orders (priests or brothers or nuns) are responsible for the supervision of their members and for dealing with any allegations of sexual abuse against them. With a few exceptions, religious orders are largely independent of the bishops and cannot be directed by them. Members of religious orders work in dioceses and must have the bishop's permission to do so. If a bishop is informed of an allegation against a member of an order working in his diocese he must refer it to the religious order concerned and the Professional Standards Office so that it can be reported and dealt with appropriately, following the law and Towards Healing.

The Vatican requires local churches to comply with the civil law on sexual abuse.

The Congregation for the Doctrine of the Faith (that part of the Vatican which is responsible for these matters) has made clear to church authorities that **"Civil law concerning reporting of crimes to the appropriate authorities should always be followed"**.

CONCLUSION

Sexual abuse is a serious problem in our society. That some Catholic priests, members of religious orders and lay workers have also abused children is a cause of great shame. The overwhelming number of priests and religious are faithful men and women who share the horror and grief that all people feel when sexual abuse is brought to light.

The procedures the Archdiocese of Sydney follows today represent a serious and genuine effort to help victims of abuse and to eradicate sexual abuse from the church. We continue to work to learn from past experience and from the experience of victims to try to ensure that the danger of sexual abuse is avoided in the future.

For the church and for the Archdiocese of Sydney, prevention, justice and healing for victims of sexual abuse always come first.

"For the church and for the Archdiocese of Sydney, prevention, justice and healing for victims of sexual abuse always come first."

THE RESPONSE OF THE ARCHDIOCESE OF SYDNEY: A SUMMARY

Underlying the Archdiocese of Sydney's response to sexual abuse today are three crucial facts:

- **We report allegations of sexual abuse to the police.**
- **The Ombudsman monitors church investigations and outcomes in child protection matters.**
- **The establishment of the Towards Healing procedures in 1996 was a significant improvement in trying to assist victims and their families and a break with past procedures.**

The police are best placed to investigate sexual abuse allegations, not the church. The policy of the Archdiocese is for allegations of sexual abuse to be reported to the police so that they can be investigated and dealt with through the justice system. Towards Healing is NOT a substitute for a police investigation.

The Archdiocese works to prevent abuse. Men who apply for acceptance as seminarians to prepare for the priesthood must undergo a psychological assessment before being accepted. Before they are permitted to work with children they must undergo a working with children check. The pastoral care and formation programs of the seminaries of the Archdiocese of Sydney are developed to try to ensure that those ordained are suitable for priestly work and do not represent a danger to children or other vulnerable people.

The Archdiocese of Sydney does NOT cover up sexual abuse or protect those accused of sexual abuse. Consistent with the criminal law and with child protection legislation, the Archdiocese reports allegations of sexual abuse to the appropriate government authority, either directly or through the Professional Standards Office.

No victim is silenced in return for support. The Archdiocese of Sydney provides substantial financial support to victims of sexual abuse. The Archdiocese does not impose any obligation of silence on victims of sexual abuse in resolving complaints, and Towards Healing expressly forbids this.

Accused priests and church workers are NOT "tipped off" about police investigations. The Archdiocese and the Professional Standards Office comply with the law and do not alert an accused priest or church worker of a criminal complaint or possible complaint against them or any criminal investigation unless the police give permission.

Why the church has its own process for dealing with complaints of sexual abuse. Sometimes the police cannot investigate crimes (for example, when the alleged abuser is dead), and sometimes victims of sexual abuse themselves do not wish to go to the police. The Archdiocese would be failing victims of sexual abuse if it did nothing in these situations.

Towards Healing complaints are NOT investigated "in house". Under Towards Healing independent assessors include former police investigators, lawyers experienced with criminal matters, and other professionals with similar expertise.

The Archdiocese of Sydney does NOT "pass the buck" to other church authorities. When a complaint is made to the Archbishop of Sydney about a priest or church worker not under his authority, he ensures that the Professional Standards Office is informed so that the allegations can be reported to the police, and refers the complaint to the proper church authority for appropriate action following the law and Towards Healing. He also informs the complainant of this.

The Archdiocese accepts its moral responsibility to address abuse claims. The Archdiocese accepts its moral responsibility to address claims of sexual abuse against its priests and workers, and to treat all victims of abuse with respect and compassion.

CONTACT INFORMATION:

Police

Contact the **NSW Police Child Protection & Sex Crimes Squad** through your local police station.

Towards Healing

Contact the **Professional Standards Office NSW-ACT: 9287 1542**; or the **PSO Contact Line: 1300 36 99 77**.

Counselling

For information about counselling services available to victims of sexual abuse and their families, contact the **Professional Standards Office: 9287 1542** or the **Attorney General's Department Victims of Crime, Victims Services: 8688 5640**.



CATHOLIC ARCHDIOCESE
OF SYDNEY