

Royal Commission Case Study 50

Catholic Church Final Hearing



Wednesday 22 February 2017 – Day 12

Today's hearing heard from members of various religious institutes in Australia.

Panel members were Father Brian McCoy SJ, Provincial, Australian Province of the Society of Jesus; Brother Peter Clinch Province Leader, Oceania Province of the Christian Brothers' Congregation; Brother Peter Carroll, Provincial, Marist Brothers in Australia; Brother Ambrose Payne, Professional Standards Officer, De La Salle Brothers; Brother Timothy Graham, Provincial, The Hospitaller Order of St John of God, Oceania Province; Father Gregory Chambers SDB, Provincial, Salesians of Don Bosco, Australia Pacific Province; and Sister Berneice Loch RSM, Institute Leader, Institute of Sisters of Mercy Australia and Papua New Guinea.

All described the history of their orders; the geographic and demographic make-up of the congregation; the ministries they run and governance arrangements. All outlined reforms to governance including the development of PJPs in many cases; and significant changes to their approach to professional standards. Each was asked about formation process in their order and whether or not they engage members who were born overseas; whether or not they participate in professional supervision; and to outline processes for dealing with members of the order who have offended. Most were asked for a response to the data and to account for the numbers.

All described declining numbers in vocations and how they were responding.

All have voluntary supervision arrangements in place for their members. None has mandatory continuing education requirements.

While acknowledging that the detail is still limited, all strongly support a national redress scheme in which all the states participate.

Sr Berneice Loch described the relationship between the Institute and Mercy Education Ltd, the PJP responsible for running Mercy schools in Australia; and the involvement of lay men and women in the work of the order. She outlined the Institute's responses to the Royal Commission Case Study which examined the St Joseph's Orphanage at Neerkol, including in relation to professional standards, archive management and the work of MacKillop Family Services in particular. She outlined recent efforts to streamline professional standards practices across the Institute, including the design and rollout of a new training package. Sr Loch said the history is deeply shameful and a matter of huge regret. Sr Loch agreed that physically abusive practices perpetrated on novices in the novitiate appears to have played a part in the physical abuse later perpetrated by some in the order.

Br Peter Clinch talked about the formation of the PJP now responsible for schools, Edmund Rice Education Australia and its relationship with the Province; existing governance arrangements, including the participation of lay and religious; and the relationship with various diocesan catholic education offices and commissions.

He said he was shattered and appalled by the data released earlier in the hearing, which showed 271, or 22 per cent of Christian Brothers who ministered between 1950 and 2010 were alleged perpetrators. He said 'it challenges to the core why [the Brothers] even exist'. He blamed in part the scourge of harsh corporal punishment in schools and an atmosphere of bullying within the order. He lamented the fact that there is no

way of knowing how many children have been abused, particularly in the homes in Western Australia as many have died and many will not come forward.

Commissioner Fitzgerald questioned how countries like Australia and Ireland could deviate so completely from the founding charism of the order and whether or not there are measures in place to mitigate this institutional dysfunction in countries where the Christian Brothers have a growing presence, including Africa and India.

Br Peter Carroll said Marist Schools Australia manages and governs Marist schools. He described formation processes, which are now largely conducted overseas; and the voluntary supervision of brothers post final vows.

He talked about the governance structures and accountability measures in the order in Australia and overseas; the development underway of a Public Juridic Person; and he noted that the provincial will exist in Australia for the brothers only, but will have no governance or supervision of institutions or ministries.

He acknowledged the data shows 286 claims were made, amounting to 20.4 per cent of brothers alleged to have committed offences between 1950 and 2010 and he listed contributing factors including poor formation and training, including a sense of entitlement akin to clericalism; unprofessional administration; and a hierarchical model of decision-making. The Marist Brothers have commissioned research on what the factors were that led to the abuse. The final report is likely to be made publicly available.

Br Ambrose Payne said that welfare and education are now each separately incorporated. Principal ministry is YourTown, formerly BoysTown which provides employment and other services for young people, many of whom have challenging behaviours.

He said structural and cultural issues were at the core of offending in the order including secrecy, misplaced respect for privacy, an unnecessary emphasis on the value of confidentiality in leadership, a historical lack of theoretical underpinning for the work of BoysTown in the 1960s. He pointed to a lack of supervision of people in positions of power. He described structures in place since the Royal Commission started, including the establishment of a referral committee, a professional standards office and an external audit process. He said new candidates in Australia are few. He described policies for dealing with brothers convicted of abuse. He noted the difficulty of properly supervising brothers who are convicted of offences. In relation to brothers facing criminal proceedings, he said the order provides financial support up to the committal stage and counsel are retained to provide advice in relation to the provision of further financial assistance for the brother concerned.

Br Timothy Graham said there are 19 brothers in Australia aged over 70, many in aged care and that the order does not actively pursue candidates. SJOG is effectively winding down in Australia. He described the data, which indicated that 40.4 per cent of brothers were accused, as heartbreaking and said the brothers live with the shame every day. He said institutions that were working with people with challenging life issues, particularly before 1980s were very closed communities, which encouraged cultures that were not safe places. He said the increased involvement of lay people and women had brought cultural change and a plummeting of claims. He said poor selection of candidates and poor psychosexual analysis, poor training for difficult ministries all came together to create the catastrophes that happened.

Brothers worked with children with intellectual disabilities and behavioural problems in schools and intervention services. The brothers no longer run or auspice schools or services.

Regarding the treatment of offending brothers he said that keeping brothers in the order is best practice. 'It's our social responsibility to ensure offending brothers are supervised', he said.

Fr Greg Chambers said there are 77 Salesians in the Australia Pacific Province. They are involved in schools, parishes, and youth and retreat services. He described the governance arrangements for the schools, in

parishes and in the Province and reporting obligations to Rome. He described the structures and accountability measures in place including in dioceses in which the order works. The data shows 22 percent of brothers in the order between 1950 and 2010 were alleged perpetrators. He described this as inexcusable especially given the Salesians were established in the 1850s to provide education and care to disadvantaged young people. He criticized the former practice of recruiting for the order straight from school when boys had little life experience and had had no chance to grow in maturity in relationships. He said his own supervision was not as regular as his peers on the panel.

The Commission heard about implementation of the Salesians' child protection policy and the appointment of child safeguarding officer in 2015. He said there's a lot to learn from lay men and women. He agreed that the life of a brother denies the development of that person in a way society would otherwise allow them to develop. He said poverty, chastity, obedience and celibacy can restrict and inhibit the individual from his own personal growth and development.

He said priests who have been convicted of the crime of child sex abuse should be dismissed from the priesthood, but that they should receive some assistance with basics after that.

Fr McCoy said of the 125 member of province, many are over the aged of 60. Jesuits are engaged in education, Ignatian ministry, social services, and publishing. Some of these ministries involve children.

The Jesuits are in the process of incorporating Jesuit schools and establishing their own PJP, Jesuit Education.

The data shows a relatively low number of alleged perpetrators compared to other orders, but he said any number is terrible.

He said members of the order were not equipped to deal with changes in Vatican II and the social revolution of the 1960s.

He outlined significant changes in formation in recent years, including much more rigorous psycho sexual analysis and development. He said there is closer supervision of candidates and ordained priests than other orders.

He said some people did not grow up and they acted out of sexual immaturity. He said one of the legacies of the Irish tradition was an inability to talk about sexuality, especially for men.

He outlined a number of steps taken by the Jesuits since the Royal Commission commenced, including digital recording archives; external advisory committee; and an audit of policies and practices being carried out by the Australian Childhood Foundation for advice within three years. The order has reconstituted its professional standards consultative panel and there has been a slow cultural shift to best practice. He outlined process for dealing with claims and he said Jesuits found guilty of child sexual abuse are encouraged to seek dismissal from the order. The Jesuits fund initial trial but not an appeal.

He said the principle of confidentiality is important but it should be trumped by care of young and vulnerable. In light of 'our' understanding of the damage caused by child sex abuse he agreed that the confidentiality afforded by the seal of confession should be looked at. He said that the disclosure of a crime in confession should not be covered by the seal of confession.

On re-examination by Mr Gray, Sr Loch said an aspect of culture in the church that had contributed to the child sex abuse crisis, was abuse of power and that almost all power in the church was highly clerical and highly genderised. This would only change with change in that model of church. Br Clinch said women are in leadership roles in society. The church is out of step with that. The gift of the feminine is not emerging in our church at the moment. Br Carroll said it has to be more than tokenistic.

The hearing continues tomorrow at 8:00am.

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