



AUSTRALIAN  
**JESUITS**

# Safeguarding Children

## **ANNUAL REPORT - 2018**

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## Contents

<b>A Message from the Provincial</b>	<b>3</b>
<b>Professional Standards</b>	<b>4</b>
<b>Developments during the Year</b>	<b>5</b>
<b>1. Creation of a Governance, Risk &amp; Compliance Policy Reference Group</b>	<b>5</b>
<b>2. Progress towards a Code of Conduct</b>	<b>5</b>
<b>3. Participation in the National Redress Scheme</b>	<b>6</b>
<b>Professional Standards Consultative Panel</b>	<b>7</b>
<b>Royal Commission into Institutional Responses to Child Sexual Abuse's Recommendations</b>	<b>8</b>
<b>Claims of Child Sexual Abuse Reported during 2017/18</b>	<b>30</b>
<b>Glossary of Terms</b>	<b>31</b>



## A Message from the Provincial



As Provincial, I am pleased to introduce the Australian Province of the Society of Jesus' Safeguarding Children Annual Report for the 12 month period to 30 June 2018.

On 15 December 2017, the Province welcomed the publication of the Royal Commission into Institutional Responses to Child Sexual Abuse's Final Report. The Final Report comprises 17 volumes and includes a total of 189 recommendations, many of which are aimed at making institutions safer for children. Together with the three final reports already released – Criminal Justice, Redress and Civil Litigation and Working with Children Checks a total of 409 recommendations have been made by the Royal Commission.

In May 2018, I published a video message in which I publicly voiced the Province's and my personal commitment to the implementation of these recommendations.

The Province's Director of Professional Standards will oversee the implementation of these recommendations across the Province and I have created the Governance, Risk and Compliance Policy Reference Group to support this important work.

The Province has been working closely with the Department of Social Services to complete the necessary requirements to become a participating institution in the National Redress Scheme, in an effort to ensure any person who has experienced abuse in a Province ministry can seek redress through that Scheme.

Although this report covers the 12 months to 30 June 2018, we have included some additional detail about initiatives that were worked on during the period and completed since.

All within the Australian Province of the Society of Jesus are committed to keeping children and young people in our care safe. To strengthen this commitment, I present the second Australian Jesuits Safeguarding Children Annual Report to you.

A handwritten signature in black ink that reads "Brian F. McCoy S.J.". The signature is written in a cursive style and is underlined with a single horizontal line.

**Fr Brian F. McCoy SJ**  
Provincial

## Professional Standards



The purpose of this report is to provide assurance that the Australian Province of the Society of Jesus is fulfilling its moral and legal obligations in relation to promoting and ensuring the safety and welfare of all people, but in particular children, who come into contact with our ministries.

The term 'safeguarding' covers everything that assists children, young people and adults to live a life that is free from abuse and neglect and which enables them to retain independence, wellbeing, dignity and choice. Safeguarding also encompasses prevention of harm, exploitation and abuse through provision of high quality care and effective responses to allegations of harm and abuse.

On 15 December 2017 the Royal Commission into Institutional Responses to Child Sexual Abuse presented its final report to the Governor-General, detailing the culmination of a five year inquiry into institutional responses to child sexual abuse and related matters. The Province will use this comprehensive report to guide its safeguarding efforts well in to the future.

Safeguarding is everyone's responsibility, but this cannot be achieved without the dedication and professionalism of all Jesuits, staff, volunteers and contractors and I thank them for their continued contribution in this critical area.

The Province's Professional Standards office will continue to support all ministries within the Province to maintain best practice in the area of safeguarding and provide support to those that have experienced abuse and their families.

Anyone wishing to report a crime is encouraged to contact the Police in their state or territory.

If any person wishes to make a complaint or seek non-urgent counselling, they are encouraged to do so by contacting the Province's office for Professional Standards on (03) 9810 7300 or [professionalstandards@sjasl.org.au](mailto:professionalstandards@sjasl.org.au).

For urgent counselling support, please contact Lifeline on 13 11 14.

A handwritten signature in black ink that reads "Simon Davies".

**Simon Davies**  
**Director of Professional Standards**

## Developments during the Year

### 1. Creation of the Governance, Risk & Compliance Policy Reference Group

The Provincial has established the Governance, Risk and Compliance Policy Reference Group. The Group has the role of developing, reviewing and making recommendations to strengthen the risk management and policy and procedure frameworks that are required to progress the mission of the Province and its ministries.

The Group's priority is reviewing and developing child safe policies and procedures in line with the recommendations contained in the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse and the Australian Childhood Foundation's Safeguarding Children Program.

The Group members are:

- Fr Tom Renshaw SJ - Chair
- Mr Wayne Brabin – Director of the Loyola Centre of Ignatian Spirituality
- Mr John Daly – Province Director of Finance and Special Projects
- Ms Susie Roberts – Director of Human Resources, Xavier College
- Mr Simon Davies – Director of Professional Standards

### 2. Progress towards a Province Code of Conduct

As part of the Safeguarding Children Program, during the reporting period, the Province drafted a nationally consistent Code of Conduct which was adopted and published in November 2018.

The Royal Commission into Institutional Responses to Child Sexual Abuse believes, "A code of conduct establishes a common understanding of the standards of behaviour expected of staff and volunteers (including senior leaders and board members).

As part of an institution's governance framework, it serves to facilitate child safe outcomes for the children in an institution's care."

The Royal Commission recommends institutions that deal with children should have a clear code of conduct that:

- outlines behaviours towards children that the institution considers unacceptable;
- includes a specific requirement to report any concerns, breaches or suspected breaches of the code to a person responsible for handling complaints in the institution, or to an external authority when required by law and/or the institution's complaint handling policy; and
- outlines the protections available to individuals who make complaints or reports in good faith.

<sup>1</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: *Volume 7, Improving institutional responding and reporting*, pp. 14.

The Province Code of Conduct outlines expectations of professional and personal conduct for all Jesuits, staff, volunteers and contractors, with the aim of promoting integrity and ethical behaviour, and to guide an individuals' dealings with all others, including children. The Code of Conduct covers various topics including:

- Care for Children
- Interactions with Children
- Sexual Misconduct
- Grooming
- Electronic Communication
- Supervision
- Physical Contact
- Boarding, Overnight Stays and Sleeping Arrangements
- Transporting Children
- Ethical Decision Making
- Equity and Respectful Treatment
- Health and Safety

The Province undertook extensive consultation with Jesuits, staff and various sector unions to ensure all had an opportunity to contribute to the development of the Code.

### 3. Participation in the National Redress Scheme

The National Redress Scheme provides acknowledgement and support to people who experienced institutional child sexual abuse.

It was created in response to the Royal Commission into Institutional Responses to Child Sexual Abuse, which estimated that 60,000 people experienced institutional child sexual abuse in Australia.

Redress is an alternative to seeking compensation through the courts.

The National Redress Scheme can provide three things:

- access to counselling;
- a payment; and
- a direct personal response from the institution (e.g. an apology) for people who want it.

The scheme started on 1 July 2018 and will run for 10 years.

The Australian Province of the Society of Jesus has committed to join the Scheme and anticipates having done so by December 2018. This means people who experienced abuse in the care of its ministries can apply to the Scheme for redress.

People can apply now using an online or paper form. Free and confidential Redress Support Services are available throughout the process. They can help explain the Scheme and who can apply.

Find out all you need to know about applying for the National Redress Scheme here: <https://www.nationalredress.gov.au/about/resources>

For more information, visit [www.nationalredress.gov.au](http://www.nationalredress.gov.au) or call the National Redress Scheme line on 1800 737 377.

**National  
Redress Scheme**  
For people who have experienced  
institutional child sexual abuse

Find out more at  
[www.nationalredress.gov.au](http://www.nationalredress.gov.au)  
or call 1800 737 377



## Professional Standards Consultative Panel

The Professional Standards Consultative Panel is an independent group that has been established by the Australian Province to advise the Provincial on matters related to professional standards.

The five member panel is made up of professionals with experience in a range of areas including safeguarding and supporting young people, understanding and preventing sexual violence and abuse, psychology and risk assessment.

Panel members include:

- Mr Bernie Geary OAM
- Professor Stephen Smallbone
- Dr June Kane AM
- Ms Simone Shaw
- Mr David White
- Mr Simon Davies

The Panel met twice over the reporting period to discuss various professional standards related matters, including the development of the Province Code of Conduct and children with problematic sexual behaviours.

## Royal Commission into Institutional Responses to Child Sexual Abuse's Recommendations

Since the Royal Commission into Institutional Responses to Child Sexual Abuse published its final report in mid-December 2017, the Provincial and Province leaders have carefully considered the Royal Commission's recommendations.

The Province has accepted and is committed to implementing all the recommendations in which it has the ability to. Consistent with the Royal Commission's recommendation 17.3, the Province will report annually on its implementation of those of the Royal Commission's recommendations it has the authority to implement. The Royal Commission recommended such reporting commence 12 months following the tabling of the Final Report. A report of:

1. The Truth, Justice & Healing Council's (TJHC) response; and
2. The Australian Province's response to the recommendations is outlined below.

**Volume 6, *Making institutions child safe*** looks at the role community prevention could play in making communities and institutions child safe, the child safe standards that will make institutions safer for children, and how regulatory oversight and practice could be improved to facilitate the implementation of these standards in institutions. It also examines how to prevent and respond to online sexual abuse in institutions in order to create child safe online environments.

### **Recommendations**

All institutions should uphold the rights of the child. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions should act with the best interests of the child as a primary consideration. In order to achieve this, institutions should implement the Child Safe Standards identified by the Royal Commission.

### **Recommendations 6.5**

The Child Safe Standards are:

1. Child safety is embedded in institutional leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child sexual abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the institution is child safe.

## Recommendations 6.6

Institutions should be guided by the following core components when implementing the Child Safe Standards:

### **Standard 1: Child safety is embedded in institutional leadership, governance and culture**

- a) The institution publicly commits to child safety and leaders champion a child safe culture.
- b) Child safety is a shared responsibility at all levels of the institution.
- c) Risk management strategies focus on preventing, identifying and mitigating risks to children.
- d) Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.
- e) Staff and volunteers understand their obligations on information sharing and recordkeeping.

### **Standard 2: Children participate in decisions affecting them and are taken seriously**

- a) Children are able to express their views and are provided opportunities to participate in decisions that affect their lives.
- b) The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated.
- c) Children can access sexual abuse prevention programs and information.
- d) Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.

### **Standard 3: Families and communities are informed and involved**

- a) Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child.
- b) The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible.
- c) Families and communities have a say in the institution's policies and practices.
- d) Families and communities are informed about the institution's operations and governance.

### **Standard 4: Equity is upheld and diverse needs are taken into account**

- a) The institution actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities.
- b) All children have access to information, support and complaints processes.
- c) The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.

### **Standard 5: People working with children are suitable and supported**

- a) Recruitment, including advertising and screening, emphasises child safety.
- b) Relevant staff and volunteers have Working with Children Checks.
- c) All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations.
- d) Supervision and people management have a child safety focus.

### **Standard 6: Processes to respond to complaints of child sexual abuse are child focused**

- a) The institution has a child-focused complaint handling system that is understood by children, staff, volunteers and families.
- b) The institution has an effective complaint handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report.

- c) Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.

**Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training**

- a) Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.
- b) Staff and volunteers receive training on the institution's child safe practices and child protection.
- c) Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.

**Standard 8: Physical and online environments minimise the opportunity for abuse to occur**

- a) Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development.
- b) The online environment is used in accordance with the institution's code of conduct and relevant policies.
- c) Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved
- d) The institution regularly reviews and improves child safe practices.
- e) The institution analyses complaints to identify causes and systemic failures to inform continuous improvement.

**Standard 10: Policies and procedures document how the institution is child safe**

- a) Policies and procedures address all Child Safe Standards.
- b) Policies and procedures are accessible and easy to understand.
- c) Best practice models and stakeholder consultation inform the development of policies and procedures.
- d) Leaders champion and model compliance with policies and procedures.
- e) Staff understand and implement the policies and procedures.

**TJHC Response**

Church authorities should implement recommendation 6.4, guided by the content of recommendations 6.5 and 6.6.

Recommendations 6.4, 6.5 and 6.6 should be referred to Catholic Professional Standards Limited (CPSL) for consideration and development of appropriate standards.

Implementation progress by Church authorities and CPSL should be monitored by the Implementation Advisory Group.

**Australian Province Response**

The Province acts with the best interests of the child as a primary consideration in any decision making. This is affirmed through the reference to upholding Article 3 of the *United Nations Convention on the Rights of the Child* in the Province's *Statement of Commitment to Safeguarding Children & Young People*.

In 2016, the Australian Province partnered with the Australian Childhood Foundation and is undertaking the Foundation's Safeguarding Children Program (SCP). The safeguarding standards required in the SCP closely align with the Royal Commission's Child Safe Standards and will ensure all Province ministries meet or exceed these standards. Ministries will be independently audited by the Australian Childhood Foundation to ensure compliance with the standards.

**Volume 7, *Improving institutional responding and reporting*** examines the reporting of child sexual abuse to external government authorities by institutions and their staff and volunteers, and how institutions have responded to complaints of child sexual abuse. It outlines guidance for how institutions should handle complaints, and the need for independent oversight of complaint handling by institutions.

## **Recommendations**

### **Recommendation 7.2**

Institutions and state and territory governments should provide mandatory reporters with access to experts who can provide timely advice on child sexual abuse reporting obligations.

#### **TJHC Response**

This is a matter for government and nothing is required of Church authorities at this time.

#### **Australian Province Response**

The Director of Professional Standards and Child Safety Officers in certain Province ministries provide this expert advice.

### **Recommendation 7.7**

Consistent with Child Safe Standard 6: Processes to respond to complaints of child sexual abuse are child focused, institutions should have a clear, accessible and child-focused complaint handling policy and procedure that sets out how the institution should respond to complaints of child sexual abuse. The complaint handling policy and procedure should cover:

- a) making a complaint
- b) responding to a complaint
- c) investigating a complaint
- d) providing support and assistance
- e) achieving systemic improvements following a complaint.

### **Recommendation 7.8**

Consistent with Child Safe Standard 1: Child safety is embedded in institutional leadership, governance and culture, institutions should have a clear code of conduct that:

- a) outlines behaviours towards children that the institution considers unacceptable, including concerning conduct, misconduct or criminal conduct
- b) includes a specific requirement to report any concerns, breaches or suspected breaches of the code to a person responsible for handling complaints in the institution or to an external authority when required by law and (or) the institution's complaint handling policy
- c) outlines the protections available to individuals who make complaints or reports in good faith to any institution engaging in child-related work (see Recommendation 7.6 on reporter protections).

### **TJHC Response**

Church authorities should review their existing complaint handling policies and procedures to ensure these recommendations are fully articulated and implemented (see also recommendations 16.51 to 16.54).

The Implementation Advisory Group should commission a re-examination of *Towards Healing* and *The Melbourne Response* and should coordinate revisions of other complaints handling regimes and the development of appropriate codes of conduct. This should include the recommendation of the Royal Commission concerning a more pastoral approach to survivors (see above).

The Council always envisaged that CPSL would develop standards of best practice in relation to complaints handling. It, too, should be involved in this work.

All Church authorities who have a complaints handling regime should review the relevant policies and procedures to ensure that these recommendations are properly articulated and implemented (see also Recommendations 16.51 to 16.54).

### **Australian Province Response**

The Province's Governance, Risk and Compliance Policy Reference Group is in the process of drafting a nationally consistent child abuse reporting policy and procedure which will be implemented in all Province ministries.

The Province has drafted a nationally consistent Code of Conduct which incorporates this recommendation. The Code commenced operation across all Province ministries in November 2018.

**Volume 8, Recordkeeping and information sharing** examines records and recordkeeping by institutions that care for or provide services to children; and information sharing between institutions with responsibilities for children's safety and wellbeing and between those institutions and relevant professionals. It makes recommendations to improve records and recordkeeping practices within institutions and information sharing between key agencies and institutions.

## Recommendations

### Recommendation 8.1

To allow for delayed disclosure of abuse by victims and take account of limitation periods for civil actions for child sexual abuse, institutions that engage in child-related work should retain, for at least 45 years, records relating to child sexual abuse that has occurred or is alleged to have occurred.

#### TJHC Response

Church authorities should implement recommendation 8.1.

Recommendation 8.1 should be referred to CPSL for consideration and development of appropriate standards.

Implementation progress by Church authorities and CPSL should be monitored by the Implementation Advisory Group.

#### Australian Province Response

The Province supports recommendation 8.1 and already retains records relating to child sexual abuse as well as other records for longer periods than 45 years. The Province intends to establish a working party to develop a nationally consistent policy in relation to record keeping.

### Recommendation 8.4

All institutions that engage in child-related work should implement the following principles for records and recordkeeping, to a level that responds to the risk of child sexual abuse occurring within the institution.

*Principle 1: Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture.*

Institutions that care for or provide services to children must keep the best interests of the child uppermost in all aspects of their conduct, including recordkeeping. It is in the best interest of children that institutions foster a culture in which the creation and management of accurate records are integral parts of the institution's operations and governance.

*Principle 2: Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.*

Institutions should ensure that records are created to document any identified incidents of grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents.

Records created by institutions should be clear, objective and thorough. They should be created at, or as close as possible to, the time the incidents occurred, and clearly show the author (whether individual or institutional) and the date created.

*Principle 3: Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately.*

Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained in an indexed, logical and secure manner. Associated records should be collocated or cross-referenced to ensure that people using those records are aware of all relevant information.

*Principle 4: Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.*

Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or published institutional policies. Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take account of limitation periods for civil actions for child sexual abuse.

*Principle 5: Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.*

Individuals whose childhoods are documented in institutional records should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted. Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation.

#### **TJHC Response**

Church authorities should implement Recommendation 8.4.

Recommendation 8.4 should be referred to CPSL for consideration and development of appropriate standards.

Implementation progress by Church authorities and CPSL should be monitored by the Implementation Advisory Group.

#### **Australian Province Response**

The Province's Governance, Risk and Compliance Policy Reference Group will be mindful of recommendations 8.1 and 8.4 when developing a policy in this area.

**Volume 13, Schools** examines what we learned about institutional responses to child sexual abuse in schools. The volume examines the nature and adequacy of institutional responses and draws out the contributing factors to child sexual abuse in schools. It makes recommendations to prevent child sexual abuse from occurring in schools and, where it does occur, to help ensure effective responses to that abuse.

## **Recommendations**

### **Recommendation 13.1**

All schools should implement the Child Safe Standards identified by the Royal Commission.

#### **TJHC Response**

For consideration by CPSL, National Catholic Education Commission (NCEC) and state Catholic education offices and commissions.

#### **Australian Province Response**

Consistent with recommendation 6.4, the Province supports the Royal Commission's Child Safe Standards and is committed to their implementation in all its ministries, including schools through the Australian Childhood Foundation's Safeguarding Children Program.

### **Recommendation 13.6**

Consistent with the Child Safe Standards, complaint handling policies for schools (see Recommendation 7.7) should include effective policies and procedures for managing complaints about children with harmful sexual behaviours.

#### **TJHC Response**

For the consideration of CPSL, NCEC and state Catholic education offices and commissions.

#### **Australian Province Response**

The Province supports recommendation 13.6 and the Governance, Risk and Compliance Policy Reference Group will be mindful of this recommendation when developing a policy and procedure consistent with recommendation 7.7.

**Volume 16, *Religious institutions*** examines what we learned about institutional responses to child sexual abuse in religious institutions. The volume discusses the nature and extent of child sexual abuse in religious institutions, the impacts of this abuse, and survivors' experiences of disclosing it. The volume examines the nature and adequacy of institutional responses to child sexual abuse in religious institutions, and draws out common factors contributing to the abuse and common failings in institutional responses. It makes recommendations to prevent child sexual abuse from occurring in religious institutions and, where it does occur, to help ensure effective responses.

## **Recommendations**

### **Recommendation 16.19**

All Catholic religious institutes in Australia, in consultation with their international leadership and the Holy See as required, should implement measures to address the risks of harm to children and the potential psychological and sexual dysfunction associated with a celibate rule of religious life. This should include consideration of whether and how existing models of religious life could be modified to facilitate alternative forms of association, shorter terms of celibate commitment, and (or) voluntary celibacy (where that is consistent with the form of association that has been chosen).

#### **TJHC Response**

In the introduction the Council discussed the general concept of the Australian Catholic Bishops Conference (ACBC) approaching the Holy See in relation to changes to canon law and the arrangements in place between the two bodies for communicating matters concerning the Royal Commission.

This matter should be brought to the attention of the Holy See working group, in particular requesting a study be undertaken on the impact of mandatory celibacy on the behaviour of perpetrators of child sexual abuse and in the influence of clericalism in the institutional response to the abuse by the Church.

#### **Australian Province Response**

Catholic Religious Australia (CRA) (which is a representative body of religious institutes in Australia) has committed to commissioning research in this area on behalf of its member institutes.

The vows of poverty, chastity and obedience are essential to religious life; and models of association open to married persons and un-vowed single persons have long been available to people who do not wish to profess the vows.

### **Recommendation 16.20**

In order to promote healthy lives for those who choose to be celibate, the ACBC and all Catholic religious institutes in Australia should further develop, regularly evaluate and continually improve, their processes for selecting, screening and training of candidates for the clergy and religious life, and their processes of ongoing formation, support and supervision of clergy and religious.

### **Recommendation 16.21**

The ACBC and CRA should establish a national protocol for screening candidates before and during seminary or religious formation, as well as before ordination or the profession of religious vows.

### **Recommendation 16.22**

The ACBC and CRA should establish a mechanism to ensure that diocesan bishops and religious superiors draw upon broad-ranging professional advice in their decision-making, including from staff from seminaries or houses of formation, psychologists, senior clergy and religious, and lay people, in relation to the admission of individuals to:

- a) seminaries and houses of religious formation
- b) ordination and (or) profession of vows.

#### **TJHC Response**

The Implementation Advisory Group should monitor the development of the National Protocol and report to ACBC and CRA.

CPSL should develop appropriate standards to align with the development of the National Protocol.

#### **Australian Province Response**

The Province supports recommendation 16.20. The Provincial Delegate for Jesuit Formation regularly evaluates and continually improves the Province's processes for selecting, screening and training candidates for the clergy and religious life and its processes of ongoing formation, support and supervision of clergy and religious.

CRA has committed to commissioning a national review of the selection, formation and training of clergy, informed by its norms and directives for initial formation and those of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.

The Province supports recommendation 16.21 to be implemented by the ACBC and CRA on a nationally consistent basis.

The ACBC and CRA have committed to establishing a consultative body to oversee implementation of the national protocol.

The Province supports recommendation 16.22 to be implemented by the ACBC and CRA on a nationally consistent basis. The Province already draws upon broad-ranging professional advice from psychologists, senior clergy and religious and lay people in relation to the admission of candidates to the Jesuit Novitiate and ordination and/or profession of vows.

### Recommendation 16.23

In relation to guideline documents for the formation of priests and religious:

The ACBC should review and revise the *Ratio nationalis institutionis sacerdotalis*: Programme for priestly formation (current version December 2015), and all other guideline documents relating to the formation of priests, permanent deacons, and those in pastoral ministry, to explicitly address the issue of child sexual abuse by clergy and best practice in relation to its prevention.

All Catholic religious institutes in Australia should review and revise their particular norms and guideline documents relating to the formation of priests, religious brothers, and religious sisters, to explicitly address the issue of child sexual abuse and best practice in relation to its prevention.

#### TJHC Response

ACBC and CRA should establish review committees and report progress to the Implementation Advisory Group (IAG).

#### Australian Province Response

The Province supports recommendation 16.23 and commits to review and revise its norms and guideline documents relating to the formation of priests and religious brothers, to explicitly address the issue of child sexual abuse and best practice in relation to its prevention.

In 2016, CRA produced a document entitled *Nurturing Right Relationships* as a resource to guide the formation of religious for ministry. This will be reviewed in light of the Royal Commission's Recommendations.

### Recommendation 16.24

The ACBC and CRA should conduct a national review of current models of initial formation to ensure that they promote pastoral effectiveness, (including in relation to child safety and pastoral responses to victims and survivors) and protect against the development of clericalist attitudes.

#### TJHC Response

ACBC and CRA should establish the proposed reviews as a matter of urgency and provide on-going reports to the IAG.

#### Australian Province Response

The Province supports recommendation 16.24 and commits to assisting CRA undertake a national review.

### Recommendation 16.25

The ACBC and CRA should develop and each diocese and religious institute should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, provincials, clergy, religious, and lay personnel):

- a) undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry, and child safety
- b) undertake mandatory professional/pastoral supervision
- c) undergo regular performance appraisals.

#### TJHC Response

CPSL should develop the appropriate standards for compliance by bishops and religious leaders. CPSL should inform the IAG of on-going progress in the development of standards.

#### Australian Province Response

The Province supports recommendation 16.25 and commits to implementing mandatory national standards developed by CRA in this area.

### Recommendation 16.26

The ACBC should consult with the Holy See, and make public any advice received, in order to clarify whether:

- a) information received from a child during the sacrament of reconciliation that they have been sexually abused is covered by the seal of confession
- b) if a person confesses during the sacrament of reconciliation to perpetrating child sexual abuse, absolution can and should be withheld until they report themselves to civil authorities.

#### TJHC Response

See the detailed discussion in Recommendations 7.4, 16.26, 16.48 and the Criminal Justice report.

#### Australian Province Response

The Province supports recommendation 16.26 to be implemented by the ACBC.

### **Recommendation 16.31**

All institutions that provide activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, should implement the 10 Child Safe Standards identified by the Royal Commission.

### **Recommendation 16.32**

Religious organisations should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions.

### **Recommendation 16.33**

Religious organisations should drive a consistent approach to the implementation of the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.

### **Recommendation 16.34**

Religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.

### **Recommendation 16.35**

Religious institutions in highly regulated sectors, such as schools and out-of-home care service providers, should report their compliance with the Royal Commission's 10 Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation to which they are affiliated.

#### **TJHC Response**

For the consideration of CPSL.

#### **Australian Province Response**

The Province supports recommendations 16.31, 16.32, 16.33, 16.34 and 16.35 and commits to Province schools reporting their compliance with the Royal Commission's Child Safe Standards to Jesuit Education Australia.

### **Recommendation 16.36**

Consistent with Child Safe Standard 1, each religious institution in Australia should ensure that its religious leaders are provided with leadership training both pre- and post-appointment, including in relation to the promotion of child safety.

#### **TJHC Response**

CPSL should develop and monitor standards of training for leaders that include competencies in managing complaints and allegations of child abuse, the promotion of child safety and the supervision of staff development.

#### **Australian Province Response**

The Province supports recommendation 16.36 and commits to investigating such training options, including mentoring.

### Recommendation 16.39

Consistent with Child Safe Standard 1, leaders of religious institutions should ensure that there are mechanisms through which they receive advice from individuals with relevant professional expertise on all matters relating to child sexual abuse and child safety. This should include in relation to prevention, policies and procedures and complaint handling. These mechanisms should facilitate advice from people with a variety of professional backgrounds and include lay men and women.

### Recommendation 16.38

Consistent with Child Safe Standard 1, each religious institution should ensure that religious leaders are accountable to an appropriate authority or body, such as a board of management or council, for the decisions they make with respect to child safety

### Recommendation 16.37

Consistent with Child Safe Standard 1, each religious institution should have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse. The policy should cover all individuals who have a role in responding to complaints of child sexual abuse.

#### TJHC Response

For the consideration of CPSL.

#### Australian Province Response

The Province supports recommendation 16.37 and in early 2017 created the Professional Standards Consultative Panel which provides advice from individuals with relevant professional expertise on all matters relating to child sexual abuse and child safety, including in relation to prevention, policies and procedures and complaint handling.

The Province supports recommendation 16.38. The Provincial discusses all decision making in respect to child safety with the Director of Professional Standards and the Provincial Consultors.

The Province supports recommendation 16.39 and will ensure the Governance, Risk and Compliance Policy Reference Group develop a nationally consistent policy in this area.

### Recommendation 16.40

Consistent with Child Safe Standard 2, wherever a religious institution has children in its care, those children should be provided with age-appropriate prevention education that aims to increase their knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. Prevention education in religious institutions should specifically address the power and status of people in religious ministry and educate children that no one has a right to invade their privacy and make them feel unsafe.

#### TJHC Response

Church authorities should implement recommendation 16.40 as part of implementation of recommendations 6.4, 6.5 and 6.6.

### **Australian Province Response**

The Province supports recommendation 16.40 and will ensure Jesuit Education Australia, with input from Province schools, the Australian Childhood Foundation and the Professional Standards Consultative Panel ensures such prevention education is developed and implemented.

### **Recommendation 16.41**

Consistent with Child Safe Standard 3, each religious institution should make provision for family and community involvement by publishing all policies relevant to child safety on its website, providing opportunities for comment on its approach to child safety, and seeking periodic feedback about the effectiveness of its approach to child safety.

### **TJHC Response**

Church authorities should implement recommendation 16.41.

Recommendation 16.41 should be referred to CPSL for consideration and development of appropriate standards.

Implementation progress by Church authorities and CPSL should be monitored by the IAG.

### **Australian Province Response**

The Province supports this recommendation. Province ministries have undertaken this practice for some time and have always welcomed input on their approaches to child safety. To further enhance this, the Province commits to identifying and implementing practices to more effectively implement this recommendation..

### **Recommendation 16.42**

Consistent with Child Safe Standard 5, each religious institution should require that candidates for religious ministry undergo external psychological testing, including psychosexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children.

### **TJHC Response**

CPSL to develop standards around the screening and assessment for personnel involved in religious ministry and provide updates to the IAG.

### **Australian Province Response**

The Province supports this recommendation. Since the 1970's, the Province has undertaken mandatory psychological and psychosexual assessment of candidates by an external psychologist, prior to being accepted for the Jesuit Novitiate.

### Recommendation 16.43

Each religious institution should ensure that candidates for religious ministry undertake minimum training on child safety and related matters, including training that:

- a) equips candidates with an understanding of the Royal Commission's 10 Child Safe Standards
- b) educates candidates on:
  - i. professional responsibility and boundaries, ethics in ministry and child safety
  - ii. policies regarding appropriate responses to allegations or complaints of child sexual abuse, and how to implement these policies
  - iii. how to work with children, including childhood development
  - iv. identifying and understanding the nature, indicators and impacts of child sexual abuse.

#### TJHC Response

CPSL should develop the appropriate standards and provide the IAG with on-going updates.

#### Australian Province Response

The Province supports this recommendation and commits to its implementation. For many years, Jesuits in formation have undertaken child safety training, however, in light of this recommendation, these training programs will be reviewed to ensure that they align with this recommendation.

### Recommendation 16.44

Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, are subject to effective management and oversight and undertake annual performance appraisals.

### Recommendation 16.45

Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.

#### TJHC Response

CPSL should develop and monitor standards associated with appraisal and assessment of effective management and oversight in institutions and the professional/pastoral supervision of key personnel.

### **Australian Province Response**

The Province supports recommendations 16.44 and 16.45 and commits to their implementation. Jesuits have always participated in a practice known as the 'manifestation of conscience' with the Provincial on an annual basis which provides an opportunity for oversight of each Jesuit. This process will be reviewed in light of this recommendation.

The Province supports this recommendation and is currently exploring various pastoral professional supervision models to identify the most appropriate and effective one to implement.

## **Recommendation 16.46**

Religious institutions which receive people from overseas to work in religious or pastoral ministry, or otherwise within their institution, should have targeted programs for the screening, initial training and professional supervision and development of those people. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety.

### **TJHC Response**

CPSL should develop the appropriate standards associated with screening and training for overseas sourced personnel.

### **Australian Province Response**

The Province supports this recommendation, however, it does not receive people from overseas to work in religious or pastoral ministry on a permanent basis. When people do undertake work in religious or pastoral ministry within the Province for specific limited purposes they must undergo appropriate screening and are advised of their responsibilities whilst in Australia, including child safety.

## **Recommendation 16.47**

Consistent with Child Safe Standard 7, each religious institution should require that all people in religious or pastoral ministry, including religious leaders, undertake regular training on the institution's child safe policies and procedures. They should also be provided with opportunities for external training on best practice approaches to child safety.

### **TJHC Response**

CPSL should develop the appropriate standards to meet this recommendation as a matter of urgency. Duplication with government regulatory systems should be avoided.

### **Australian Province Response**

The Province supports this recommendation and is committed to undertaking a review of training requirements in the area of child safety across the Province.

### Recommendation 16.48

Religious institutions which have a rite of religious confession for children should implement a policy that requires the rite only be conducted in an open space within the clear line of sight of another adult. The policy should specify that, if another adult is not available, the rite of religious confession for the child should not be performed.

#### TJHC Response

See the detailed discussion in the section entitled 'Recommendations 7.4, 16.26, 16.48 and the Criminal Justice report.

#### Australian Province Response

The Province supports recommendation 16.48 and has undertaken the recommended practice for many years now. To further enhance this recommendation, the Province's Governance, Risk and Compliance Policy Reference Group will develop and implement a formal policy in support of this practice.

### Recommendation 16.49

Codes of conduct in religious institutions should explicitly and equally apply to people in religious ministry and to lay people.

Consistent with Child Safe Standard 7, each religious institution should require all people in religious ministry, leaders, members of boards, councils and other governing bodies, employees, relevant contractors and volunteers to undergo initial and periodic training on its code of conduct. This training should include:

- a) what kinds of allegations or complaints relating to child sexual abuse should be reported and to whom
- b) identifying inappropriate behaviour which may be a precursor to abuse, including grooming
- c) recognising physical and behavioural indicators of child sexual abuse
- d) that all complaints relating to child sexual abuse must be taken seriously, regardless of the perceived severity of the behaviour.

#### TJHC Response

For the consideration of CPSL.

#### Australian Province Response

The Province supports recommendations 16.49 and 16.50 and has committed to it by ensuring:

- a) the Code of Conduct accords with these recommendations; and
- b) all Jesuits, staff, volunteers and contractors undergo initial and periodic training (both face to face and online) on the Code.

### Recommendation 16.51

All religious institutions' complaint handling policies should require that, upon receiving a complaint of child sexual abuse, an initial risk assessment is conducted to identify and minimise any risks to children.

### Recommendation 16.52

All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.

### Recommendation 16.53

The standard of proof that a religious institution should apply when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*.

### Recommendation 16.54

Religious institutions should apply the same standards for investigating complaints of child sexual abuse whether or not the subject of the complaint is a person in religious ministry.

#### TJHC Response

Church authorities should review their existing complaint handling policies and procedures to ensure that recommendations 16.51, 16.52, 16.53 and 16.54 are fully articulated and implemented (consistent with their approach to implementation of the recommendations in Volume 7 of the Final Report).

Recommendations 16.51, 16.52, 16.53 and 16.54 should be referred to CPSL for consideration and development of appropriate standards.

Implementation progress by Church authorities and CPSL should be monitored by the IAG.

#### Australian Province Response

The Province supports recommendation 16.51 and will be mindful of it as the Province's Governance, Risk and Compliance Policy Reference Group develop and implement a nationally consistent child abuse reporting policy and procedure.

The Province supports recommendation 16.52 and implemented this procedure many years ago. The Province's Governance, Risk and Compliance Policy Reference Group will formalise this procedure in the development and implementation of a child abuse reporting policy and procedure.

The Province supports recommendation 16.53 and implemented the use of the 'balance of probabilities' test many years ago. The Province's Governance, Risk and Compliance Policy Reference Group will formalise this procedure in the development and implementation of any future policy and procedure.

The Province supports recommendation 16.54 and has used the same standards for investigating complaints of child sexual abuse against any person (religious or otherwise) in the Province. The Province's Governance, Risk and Compliance Policy Reference Group will formalise this procedure in the development and implementation of any future policy and procedure.

### Recommendations 16.55

Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*, or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from in any way holding himself or herself out as being a person with religious authority.

### Recommendations 16.56

Any person in religious ministry who is convicted of an offence relating to child sexual abuse should:

- a) in the case of Catholic priests and religious, be dismissed from the priesthood and (or) dispensed from his or her vows as a religious
- b) in the case of Anglican clergy, be deposed from holy orders
- c) in the case of Uniting Church ministers, have his or her recognition as a minister withdrawn
- d) in the case of an ordained person in any other religious denomination that has a concept of ordination, holy orders and(or) vows, be dismissed, deposed or otherwise effectively have their religious status removed.

#### TJHC Response

See the detailed discussion in the sections about recommendations 7.4, 16.55 and 16.56.

#### Australian Province Response

The Province supports recommendations 16.55 and 16.56 and has undertaken this practice for many years. The Province's Governance, Risk and Compliance Policy Reference Group will formalise this procedure in the development and implementation of any future policy and procedure.

The Provincial will write to the Major Superior in Rome to discuss ways in which to restrict persons from holding themselves out as being a person with religious authority.

A decision for dismissal or dispensation is reserved to the Holy See.

The Final Report of the Royal Commission acknowledged the complexity of this matter. Where removal from the clerical or religious state would leave that person isolated and unsupported in the community and potentially increase the risk of reoffending, there would be an argument for maintaining supervision of the offender.

CRA has committed to develop a national policy to ensure consistency among existing religious institute policies.

The Province will consider this issue further and seek input from the Professional Standards Consultative Panel and other professionals in this area.

### **Recommendation 16.57**

Where a religious institution becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the religious institution should:

- a) assess the level of risk posed to children by that perpetrator's ongoing involvement in the religious community
- b) take appropriate steps to manage that risk.

#### **TJHC Response**

Recommendation 16.57 should be referred to the IAG and CPSL for consideration and development of national guidance for Church authorities on a risk assessment-based approach to be taken to attendance of those convicted of an offence or with a substantiated complaint of child sexual abuse at Church activities and ceremonies. It may also be necessary for CPSL to develop appropriate standards.

#### **Australian Province Response**

The Province supports recommendation 16.57 and commits to implementing a policy, procedure and training to formalise this commitment.

**Volume 17, *Beyond the Royal Commission*** describes the impacts and legacy of the Royal Commission and discusses monitoring and reporting on the implementation of our recommendations.

### **Recommendation 17.3**

Major institutions and peak bodies of institutions that engage in child-related work should, beginning 12 months after this Final Report is tabled, report on their implementation of the Royal Commission's recommendations to the National Office for Child Safety through five consecutive annual reports. The National Office for Child Safety should make these reports publicly available. At a minimum, the institutions reporting should include those that were the subject of the Royal Commission's institutional review hearings held from 5 December 2016 to 10 March 2017.

#### **Australian Province Response**

The Province supports recommendation 17.3 and is committed to implementing all recommendations which it has the authority to implement. Consistent with this recommendation, the Province will report annually on its implementation of the Royal Commission's recommendations in the Province's Safeguarding Children – Annual Report.

## Claims of Child Sexual Abuse Reported during 2017/18

During the Royal Commission into Institutional Responses to Child Sexual Abuse, the Australian Province, as well as other Catholic Church institutions, provided historic complaint information to inform the *Analysis of Claims of Child Sexual Abuse Made with Respect to Catholic Church Institutions in Australia*.

In the interests of ongoing transparency and accountability, the Australian Province has committed to publishing, on an annual basis, any complaints of child sexual abuse committed by an adult, that are received by the Province in that year. This includes reports that relate to previous decades or to someone who is now deceased.

The Australian Province is deeply committed to assisting and accompanying people who have experienced abuse within its institutions and its approach to handling complaints is guided by the wishes of those who have experienced abuse. This includes ensuring that people direct the manner and speed at which they would like to progress their complaint. The following complaints of child sexual abuse were received in the 12 month period to 30 June 2018.

Alleged Offender	Decade of Allegations	Status
Jesuit*	1950'S	Awaiting further engagement from the abused person
Jesuit*	1970's	Awaiting contact from abused person's solicitor
Lay#	2010's	Police & external independent investigation found allegations of abuse not sustained
Former Jesuit#	1960's	Anonymous report by abused person who has not engaged further
Jesuit*	1970's	Awaiting further engagement from the abused person
Jesuit	1970's	Complaint being investigated by Police
Jesuit	1970's	Complaint being investigated by Police
Lay#	1960's	Awaiting further engagement from the abused person
Jesuit#	2010's	Complaint being investigated by Police
Lay#	2010's	Complaint investigated by police and found to be not sustained
Lay#	2010's	No longer an employee at the time of the complaint. Complaint passed to relevant employer for action.
Jesuits & Lay	1970's	Resolution sought by abused person through Towards Healing
Lay#	2010's	Report made to Police and external independent investigation being undertaken

\* Deceased # First any only report received

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## Glossary of Terms

**ACBC** – Australian Catholic Bishops Conference

**ACF** – Australian Childhood Foundation

**CPSL** – Catholic Professional Standards Limited

**CRA** – Catholic Religious Australia

**Holy See** - the apostolic episcopal see of the bishop of Rome (known as the Pope) and the universal ecclesiastical jurisdiction of the worldwide Catholic Church, and sovereign entity of international law.

**IAG** – Implementation Advisory Group

**NCEC** – National Catholic Education Commission

**SCP** – Safeguarding Children Program

**TJHC** – Truth Justice & Healing Council