



**Australian Catholic Bishops Conference  
and Catholic Religious Australia's  
Response to the Royal Commission  
into Institutional Responses  
to Child Sexual Abuse**

**August 2018**

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## Preamble

This formal response of the Australian Catholic Bishops Conference (ACBC) and Catholic Religious Australia (CRA) to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse is addressed to those who have suffered from child sexual abuse and those who have suffered with them, to the Catholic community in Australia, to the Australian Government and to the Australian people.

The publication of this document, together with the final report of the Truth Justice and Healing Council (TJHC), marks for the Catholic Church in this country a most significant step in a journey which will continue far into the future. The journey began long before the Royal Commission was established; but the years of the Commission focused powerfully and painfully on the suffering of those abused, on the Church's failure to address their suffering, the challenge this presents, and what is required if we are to ensure justice and compassion for those who have been abused, and a safer Church for all now and in the years ahead.

The ACBC and CRA are grateful to the Royal Commission for the service it has rendered to both the country and the Catholic Church, and we thank especially the survivors of abuse who showed such courage in coming forward to bear witness to their suffering. To them and their families we offer our sincere and unreserved apology, and we commit anew to doing whatever we can to heal the wounds of abuse and to make the Church a truly safe place for all. We renew to all our expression of profound sorrow that children and young people were abused by clergy, religious and lay workers of the Catholic Church, and that many bishops and religious leaders failed to act to prevent abuse and to report offenders to police.

Since the Royal Commission published its final report in mid-December 2017, the bishops and religious leaders have considered carefully the report's recommendations and how to respond. In this task, we have been greatly assisted by the final report of the TJHC, itself a complex document which has required careful consideration. A major purpose of the Council's final report was to assist the bishops and religious leaders in responding to the Royal Commission's recommendations. That is why we have integrated parts of the Council's report into this formal response. Here we wish to repeat our thanks to the TJHC for its unique service through the years of the Royal Commission and for its final report which is published in its four volumes with this response.

You will see in this document that the bishops and religious leaders have accepted or accepted in principle or supported 98 per cent of the Royal Commission's recommendations. The one recommendation we cannot accept is Recommendation 7.4, which refers to the seal of the Sacrament of Penance. This is because it is contrary to our faith and inimical to religious liberty. We are committed to the safeguarding of children and vulnerable people while maintaining the seal. We do not see safeguarding and the seal as mutually exclusive.

A few recommendations have been marked "For further consideration", and those which mention the Holy See have been marked as "Noted; ACBC has informed the Holy See". As part of this process, the bishops will provide information on the background of the various recommendations in order to assist the Holy See as it formalises its responses.

The Pope's recent Letter to the People of God makes clear that the Church's response at the highest level begins with the acknowledgement of grave sin and failure by bishops and religious leaders and a culture of clericalism. Our response in Australia gives local shape to the action required to address such failure and the need for cultural change.

We indicate in our responses that many of the Royal Commission's recommendations have already been implemented by the Catholic Church in this country, and others are in the process of being implemented. The progress already made reflects the benefit of a whole-of-Church approach, to which we renew our commitment here. As we continue to build upon what has been achieved both before and during the Royal Commission, we recognise that the work before us will not be done quickly or easily. This document, however, signals the determination of the bishops and religious leaders to do what is required.

To help in our ongoing work, the ACBC and CRA have established Catholic Professional Standards Limited (CPSL) which is developing nationally consistent safeguarding standards for Catholic institutions across Australia and will audit compliance. We have also established an Implementation Advisory Group (IAG) to help with the process of implementation. The IAG will work closely with CPSL in the task that lies ahead.

In its 2015 Redress and Civil Litigation Report, the Royal Commission recommended the establishment of a national redress scheme to respond to survivors of institutional child sexual abuse, providing equal access and equal treatment for those who have been abused. The Catholic Church in Australia, through the bishops and religious leaders, has committed to join the National Redress Scheme established on the recommendation of the Royal Commission. We will continue to support just and compassionate redress for all those who have been victims of child sexual abuse within the Church.

Also in its 2015 Redress and Civil Litigation Report, the Royal Commission recommended that access to the civil justice system be made less difficult for those who have been abused and that there be legal entities which can be sued to meet claims. Where entities do not already exist, Church authorities and institutions are working with governments to establish them, and we commit to continue working collaboratively with civil authorities in this area.

The document which follows refers:

- first to each relevant Royal Commission recommendation by its number in the final report, then to the recommendation itself,
- then to the response of the ACBC and CRA to the recommendation,
- then to advice received from the TJHC regarding the recommendation,
- and finally to the action that has been, is being or will be taken. The actions listed are not exhaustive.

As well as responding to the recommendations which the Royal Commission directed to the Catholic Church, the ACBC and CRA have also responded to recommendations of the Royal Commission which concern the Catholic Church less directly.

The Catholic Church is often thought of as monolithic, but in reality it is a diverse and highly decentralised institution, in both civil law and canon law. The responses of the ACBC and CRA to the recommendations of the Royal Commission apply to the full extent of the authority of the bishops and religious leaders. They cannot however, speak for the entire Catholic Church, given that there are limits to their authority.

Our hope and prayer is that all that we have done, are doing and will do may help to bring healing to those so gravely harmed when in the Church's care. In conclusion we make our own the words of Pope Francis in his Letter to the People of God: "Looking back to the past, no effort to beg pardon and to seek to repair the harm done will ever be sufficient. Looking ahead to the future, no effort must be spared to create a culture able to prevent such situations from happening, but also to prevent the possibility of their being covered up and perpetuated".



+ Mark Coleridge  
President ACBC



Monica Cavanagh RSJ  
President CRA

# Royal Commission into Institutional Responses to Child Sexual Abuse: Recommendations to and affecting the Catholic Church

## Recommendation 16.6

The bishop of each Catholic Church diocese in Australia should ensure that parish priests are not the employers of principals and teachers in Catholic schools.

### Response to the Recommendation

Accepted.

### Advice from the Truth Justice and Healing Council

This is a matter for consideration by the Victorian dioceses (Vol. 2, p. 194).

### Action

The Archdiocese of Melbourne, Diocese of Ballarat and Diocese of Sandhurst are reviewing employer status.

## Recommendation 16.7

ACBC should conduct a national review of the governance and management structures of dioceses and parishes, including in relation to issues of transparency, accountability, consultation and the participation of lay men and women. This review should draw from the approaches to governance of Catholic health, community services and education agencies.

### Response to the Recommendation

Accepted in principle.

### Advice from the Truth Justice and Healing Council

The ACBC should delegate the conduct of the review to the Implementation Advisory Group. The Implementation Advisory Group establish the terms of reference for the proposed review in accordance with the framework of analysis used by the Royal Commission.

The review team should include both corporate and canon law experts, plus a recognised authority on ecclesiology. An extensive consultation process, including the Catholic organisations recognised as fulfilling the requirements of good governance, must accompany the review.

The review should be completed by mid-2019 with results made public during the lead up to the Plenary Council. (Vol. 2, p 198)

## **Action**

IAG to provide advice regarding the kind of review that might best fulfil the intentions of the Recommendation in light both of Catholic ecclesiology (theological principles foundational to the nature of the Church) and approaches to:

- The governance of Church agencies;
- Processes of consultation with experts to shape the review;
- The terms of reference;
- Potential reviewers;
- And an achievable timeline, mindful of the extent of the task which would engage 28 Latin Rite dioceses, 5 Eastern Rite dioceses/eparchies, 2 ordinariates and 1 personal prelate, comprised of 1394 parishes throughout Australia.

The Permanent Committee of the ACBC and Council of CRA are authorised to approve the national review process.

(refer Recommendation 16.38)

## **Recommendation 16.8**

In the interests of child safety and improved institutional responses to child sexual abuse, ACBC should request the Holy See to:

- a) publish criteria for the selection of bishops, including relating to the promotion of child safety and
- b) establish a transparent process for appointing bishops which includes the direct participation of lay people.

## **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

## **Advice from the Truth Justice and Healing Council**

The Implementation Advisory Group should:

1. Consult with the Plenary Council organising group about consultations on transparency in the processes for the selection of bishops.
2. Advise the ACBC on models to present to the Holy See on the process for the selection of bishops. (Vol. 2, p. 200)

### **Action**

ACBC notes that the process of appointing bishops is already under consideration by the Council of Cardinals (16th Meeting, 12-14 September 2016).

ACBC is in consultation with the Holy See.

The consultative process towards the Plenary Council is underway and will enable individuals and groups to offer views and advice about the process for appointing bishops.

### **Recommendation 16.9**

ACBC should request the Holy See to amend the 1983 Code of Canon Law to create a new canon or series of canons specifically relating to child sexual abuse, as follows:

- a) All delicts relating to child sexual abuse should be articulated as canonical crimes against the child, not as moral failings or as breaches of the 'special obligation' of clerics and religious to observe celibacy.
- b) All delicts relating to child sexual abuse should apply to any person holding a 'dignity, office or responsibility in the church' regardless of whether they are ordained or not ordained.
- c) In relation to the acquisition, possession, or distribution of pornographic images, the delict (currently contained in article 6 §2 1° of the revised 2010 norms attached to the motu proprio *Sacramentorum sanctitatis tutela*) should be amended to refer to minors under the age of 18, not minors under the age of 14.

### **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

### **Advice from the Truth Justice and Healing Council**

In the section of the introductory chapter we discussed the general concept of the ACBC approaching the Holy See in relation to changes to canon law. The Council mentioned the arrangements reached between the two bodies for communicating matters concerning the Royal Commission.

The matter should be brought to the attention of the Holy See working group with a suggestion that it be referred to, among other bodies, the Pontifical Commission for the Protection of Minors. (Vol. 2 p. 202).

### **Action**

ACBC is seeking expert canonical advice and will provide further advice to the Holy See. (refer Recommendation 16.12)

## **Recommendation 16.10**

ACBC should request the Holy See to amend canon law so that the pontifical secret does not apply to any aspect of allegations or canonical disciplinary processes relating to child sexual abuse.

### **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

### **Advice from the Truth Justice and Healing Council**

In the introduction the Council discussed the general concept of the 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 with a suggestion that it be referred to, among other bodies, the Pontifical Commission for the Protection of Minors (Vol. 2, p. 204).

### **Action**

ACBC has sought expert canonical advice and is in consultation with the Holy See.

This is already established as a normative practice of the Catholic Church in Australia.

The pontifical secret does not in any way inhibit a bishop or religious leader from reporting instances of child sexual abuse to civil authorities.

IAG will consult the Episcopal Panel for Canon Law Reference Group and provide further advice about Recommendations concerning canon law.

## **Recommendation 16.11**

ACBC should request the Holy See to amend canon law to ensure that the 'pastoral approach' is not an essential precondition to the commencement of canonical action relating to child sexual abuse.

### **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

### **Advice from the Truth Justice and Healing Council**

In the introduction the Council discussed the general concept of the 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 with a suggestion that it be referred to, among other bodies, the Pontifical Commission for the Protection of Minors.

In relation to Recommendation 16.11, the Implementation Advisory Group should commission research (possibly through the Canon Law Society of Australia and New Zealand) on canonical aspects of, and the theological underpinning (if any) for, the pastoral approach and ramifications of change in that regard (Vol. 2, p. 207).

### **Action**

ACBC has sought expert canonical advice and is in consultation with the Holy See.

This is already established as a normative practice of the Catholic Church in Australia.

There is no obligation in canon law to attempt a 'pastoral approach' before commencing a canonical action relating to the sexual abuse of a child or young person.

IAG will consult the Episcopal Panel for Canon Law Reference Group and provide further advice about recommendations concerning canon law.

## **Recommendation 16.12**

ACBC should request the Holy See to amend canon law to remove the time limit (prescription) for commencement of canonical actions relating to child sexual abuse. This amendment should apply retrospectively.

### **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

### **Advice from the Truth Justice and Healing Council**

In the introduction the Council discussed the general concept of the 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 with a suggestion that it be referred to, among other bodies, the Pontifical Commission for the Protection of Minors (Vol. 2, p. 209).

### **Action**

ACBC has sought expert canonical advice and is in consultation with the Holy See.

This is already established as a normative practice of the Catholic Church in Australia.

Since *Sacramentorum sanctitatis tutela* (John Paul II, Motu Proprio, 2001), the Catholic Church has derogated from prescription in cases dealing with grave delicts (refer Recommendation 16.9).

IAG will consult the Episcopal Panel for Canon Law Reference Group and provide further advice about recommendations concerning canon law.

### **Recommendation 16.13**

ACBC should request the Holy See to amend the ‘imputability’ test in canon law so that a diagnosis of paedophilia is not relevant to the prosecution of or penalty for a canonical offence relating to child sexual abuse.

#### **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

#### **Advice from the Truth Justice and Healing Council**

In the introduction the Council discussed the general concept of the 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 with a suggestion that it be referred to, among other bodies, the Pontifical Commission for the Protection of Minors. (Vol. 2, p. 207).

#### **Action**

ACBC is seeking expert canonical advice and is in consultation with the Holy See. IAG will consult the Episcopal Panel for Canon Law Reference Group and provide further advice about Recommendations concerning canon law.

### **Recommendation 16.14**

ACBC should request the Holy See to amend canon law to give effect to Recommendations 16.55 and 16.56.

#### **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

## **Advice from the Truth Justice and Healing Council**

These Recommendations should be referred to the Implementation Advisory Group for consideration and development of national guidance for Church authorities on the approach to be taken to permanent removal from ministry of any priest or religious convicted of an offence or with a substantiated complaint of child sexual abuse.

In addition, the Implementation Advisory Group should commission research or sponsor an examination of, among other things:

- The theological underpinning (if any) of the standard of proof in canonical disciplinary procedures, and
- The true meaning (in relevant context) of 'zero tolerance', arguments for and against automatic dismissal, the various models adopted by Australian church authorities in this area and the chances of achieving uniformity.
- A review of Towards Healing, the Melbourne Response and other complaint handling regimes to see whether they are canonically appropriate to achieve the goal to which Recommendation 16.55 is directed.

CPSL will also have a role in developing guidelines on these matters.

In the section of the introductory chapter the Council discussed the general concept of the ACBC approaching the Holy See in relation to changes to canon law and the arrangements reached between the two bodies for communicating matters concerning the Royal Commission.

These matters should be brought to the attention of the Holy See working group with a suggestion that it be referred to, among other bodies, the Pontifical Commission for the Protection of Minors (Vol. 2, p. 214).

### **Action**

ACBC and CRA are seeking expert canonical advice.

ACBC is in consultation with the Holy See.

IAG will consult the Episcopal Panel for Canon Law Reference Group and provide further advice about Recommendations concerning canon law.

CPSL is developing standards that respond to this Recommendation.

## **Recommendation 16.15**

ACBC and CRA, in consultation with the Holy See, should consider establishing an Australian tribunal for trying canonical disciplinary cases against clergy, whose decisions could be appealed to the Apostolic Signatura in the usual way.

### **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

### **Advice from the Truth Justice and Healing Council**

The Implementation Advisory Group should sponsor an examination by a group with representatives of ACBC, CRA and the Canon Law Society of Australia and New Zealand of:

- The feasibility of establishing a single national tribunal in Australia to try canonical trials in abuse cases.
- Processes, procedures and administrative protocols for such tribunals.
- Resourcing implications, and
- Training of personnel, possibly through the Australian Catholic University, Broken Bay Institute and the University of Notre Dame Australia (some or all of which could also consider offering degrees in canon law), (Vol. 2, p. 216).

### **Action**

An Australian tribunal for such matters could only be established by the Holy See. ACBC is seeking expert canonical advice and with CRA is in consultation with the Holy See.

IAG will consult the Episcopal Panel for Canon Law Reference Group and provide further advice about Recommendations concerning canon law.

### **Recommendation 16.16**

ACBC should request the Holy See to introduce measures to ensure that Vatican Congregations and canonical appeal courts always publish decisions in disciplinary matters relating to child sexual abuse, and provide written reasons for their decisions.

Publication should occur in a timely manner. In some cases it may be appropriate to suppress information that might lead to the identification of a victim.

### **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

### **Advice from the Truth Justice and Healing Council**

In the introduction the Council discussed the general concept of the 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 with a suggestion that it be referred to, among other bodies, the Pontifical Commission for the Protection of Minors (Vol. 2, p. 218).

### **Action**

ACBC is seeking expert canonical advice and is in consultation with the Holy See.

## **Recommendation 16.17**

ACBC should request the Holy See to amend canon law to remove the requirement to destroy documents relating to canonical criminal cases in matters of morals, where the accused cleric has died or ten years have elapsed from the condemnatory sentence.

In order to allow for delayed disclosure of abuse by victims and to take account of the limitation periods for civil actions for child sexual abuse, the minimum requirement for retention of records in the secret archives should be at least 45 years.

### **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

### **Advice from the Truth Justice and Healing Council**

In the introduction, the Council discussed the general concept of the 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 with a suggestion that it be referred to, among other bodies, the Pontifical Commission for the Protection of Minors (Vol. 2, p. 218).

### **Action**

ACBC is seeking expert canonical advice and is in consultation with the Holy See.

ACBC will prepare guidelines for ordering and maintaining documents, in accordance with the norms of canon law, for a minimum of 50 years (Refer Recommendation 8.1).

## **Recommendation 16.18**

ACBC should request the Holy See to consider introducing voluntary celibacy for diocesan clergy.

### **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

### **Advice from the Truth Justice and Healing Council**

In the introduction the Council discussed the general concept of the 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 on the influence of clericalism in the institutional response to the abuse by the Church (Vol. 2, p. 220).

## **Action**

ACBC is seeking expert theological and canonical advice and ACBC is in consultation with the Holy See.

ACBC notes that the Royal Commission made no finding of a causal connection between celibacy and child sexual abuse; that voluntary celibacy is a long-established and positive practice of the Church in both East and West, particularly for bishops and religious life; and that inadequate initial and continuing formation of priests and religious for celibate living may have contributed to a heightened risk of child sexual abuse, but not celibacy as a state of life in and of itself.

## **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).

## **Response to the Recommendation**

Accepted.

## **Advice from the Truth Justice and Healing Council**

In the introduction the Council discussed the general concept of the 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 the influence of clericalism in the institutional response to the abuse by the Church (Vol. 2, p. 220).

## **Action**

CRA will commission research.

This is already established as a normative practice of the Catholic Church in Australia.

The vows of poverty, chastity and obedience are definitional of religious life; and models of association open to married persons and unvowed 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, 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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 (Vol. 2, p. 224).

### **Action**

This is already established as a normative practice of the Catholic Church in Australia.

On 8 December 2016, the Holy See published a new *Ratio Fundamentalis*, 'The Gift of the Priestly Vocation', for the initial and ongoing formation of priests. ACBC has established a national review of the selection, formation and training of clergy, towards a new *Ratio Nationalis* for the initial and ongoing formation of priests.

CRA will commission a parallel review, informed by its norms and directives for initial formation and those of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life

CPSL is developing related standards.

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 (Vol. 2, p. 224).

### **Action**

CPSL is developing standards that respond to this recommendation.

The new *Ratio Nationalis* will include a protocol for screening candidates for the priesthood.

ACBC and CRA will establish a consultative body to oversee implementation of the national protocol.

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 16.22**

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; and
- b) Ordination and/or profession of vows.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 (Vol. 2, p. 224).

### **Action**

CPSL is developing standards that respond to this recommendation.

ACBC and CRA will establish a mechanism and oversee implementation of standards.

## **Recommendation 16.23**

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

- a) 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.
- b) 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.

## **Response to the Recommendation**

Accepted.

## **Advice from the Truth Justice and Healing Council**

ACBC and CRA should establish review committees and report progress to the Implementation Advisory Group (Vol. 2, p. 226).

## **Action**

This is already established as a normative practice of the Catholic Church in Australia.

On 8 December 2016, the Holy See published a new *Ratio Fundamentalis*, 'The Gift of the Priestly Vocation', for the initial and ongoing formation of priests. ACBC has established a national review of the selection, formation and training of clergy, towards a new *Ratio Nationalis* for the initial and ongoing formation of priests.

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**

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.

## **Response to the Recommendation**

Accepted.

## **Advice from the Truth Justice and Healing Council**

ACBC and CRA should establish the proposed reviews as a matter of urgency and provide on-going reports to the Implementation Advisory Group (Vol. 2, p. 228).

## **Action**

This is already established as a normative practice of the Catholic Church in Australia.

On 8 December 2016, the Holy See published a new *Ratio Fundamentalis*, 'The Gift of the Priestly Vocation', for the initial and ongoing formation of priests. ACBC has established a national review of the selection, formation and training of clergy, towards a new *Ratio Nationalis* for the initial and ongoing formation of priests. The national review will address negative aspects of clergy life and ministry that give rise to clericalism, and will work to foster formation of a healthy and respectful priestly culture.

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 16.25

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.

### Response to the Recommendation

Accepted.

### Advice from the Truth Justice and Healing Council

CPSL should develop the appropriate standards for compliance by bishops and religious leaders. CPSL should inform the Implementation Advisory Group of on-going progress in the development of standards (Vol. 2, p. 230).

### Action

On 8 December 2016, the Holy See published a new *Ratio Fundamentalis*, 'The Gift of the Priestly Vocation', for the initial and ongoing formation of priests. ACBC has established a national review of the selection, formation and training of clergy, towards a new *Ratio Nationalis* for the initial and ongoing formation of priests.

The ACBC National Office for Clergy Life and Ministry continues to develop models of professional/pastoral supervision, on-going education, and appraisal.

CPSL is developing standards that respond to this recommendation.

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 (refer Recommendation 7.3).

## Recommendation 16.26

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; and
- 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.

### **Response to the Recommendation**

Noted; ACBC has informed the Holy See.

### **Advice from the Truth Justice and Healing Council**

See the detailed discussion in Recommendations 7.4, 16.26, 16.48 and the Criminal Justice report (Vol. 2, p. 231).

### **Action**

ACBC is in consultation with the Holy See (refer Recommendations 7.4 and 16.48).

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the consideration of CPSL (Vol. 2, p. 234).

### **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the consideration of CPSL (Vol. 2, p. 234).

### **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **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.

**Response to the Recommendation**

Accepted.

**Advice from the Truth Justice and Healing Council**

For the consideration of CPSL (Vol. 2, p. 234).

**Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

**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.

**Response to the Recommendation**

Accepted.

**Advice from the Truth Justice and Healing Council**

For the consideration of CPSL (Vol. 2, p. 234).

**Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

CPSL is monitoring what state and territory oversight bodies establish.

CPSL is monitoring directions taken by the Human Rights Commission nationally.

**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.

**Response to the Recommendation**

Accepted.

**Advice from the Truth Justice and Healing Council**

For the consideration of CPSL (Vol. 2, p. 234).

### **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 (Vol. 2, p. 235).

### **Action**

CPSL is developing standards that respond to this Recommendation.

## **Recommendation 16.37**

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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the consideration of CPSL (Vol. 2, p. 236).

### **Action**

CPSL is developing standards in response to this Recommendation. Here CPSL is informed by safeguarding standards established by the Catholic Church in Ireland and Scotland.

## **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.

### **Response to the Recommendation**

Accepted in principle.

### **Advice from the Truth Justice and Healing Council**

For the consideration of CPSL (Vol. 2, p. 236).

### **Action**

CPSL is developing standards in response to this Recommendation and will exercise oversight through its audit function.

State and diocesan professional standards offices already provide some degree of oversight, in accordance with their mandates.

Church leaders are already accountable in civil law.

It should be noted that Catholic ecclesiology traditionally presents the office of bishop as a threefold responsibility to teach, govern and sanctify, with rights and obligations that enable bishops to fulfil these responsibilities. The model of accountability adopted will need to be receptive to and respectful of this ecclesiology (refer Recommendation 16.7).

## **Recommendation 16.39**

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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the consideration of CPSL (Vol. 2, p. 236).

### **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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

Recommendation 16.40 should be referred to CPSL for consideration and development of appropriate standards (this Recommendation relating to the content for implementation of the Child Safe Standards generally).

Implementation progress by Church authorities and CPSL should be monitored by the Implementation Advisory Group (Vol. 2, p. 237).

### **Action**

CPSL is working with Catholic education authorities and is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **Recommendation 16.41**

Consistent with Child Safe Standard 3, each religious institution should make provision for family and community involvement by

- a) publishing all policies relevant to child safety on its website
- b) providing opportunities for comment on its approach to child safety, and
- c) seeking periodic feedback about the effectiveness of its approach to child safety.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 Implementation Advisory Group (Vol. 2, p. 239).

### **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

CPSL to develop standards around the screening and assessment for personnel involved in religious ministry and provide updates to the Implementation Advisory Group (Vol. 2, p. 242).

### **Action**

CPSL is developing standards that respond to this recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

The national review towards a new *Ratio Nationalis* will address this matter (refer Recommendations 16.20, 16.21 and 16.22).

## **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; and
  - (iv) identifying and understanding the nature, indicators and impacts of child sexual abuse.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

CPSL should develop the appropriate standards and provide the Implementation Advisory Group with on-going updates (Vol. 2, p. 243).

#### **Action**

This is already established as a normative practice of the Catholic Church in Australia.

Training on child safety and related matters is already standard practice for candidates for religious ministry.

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **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.

### **Response to the Recommendation**

This recommendation is accepted in principle.

### **Advice from the Truth Justice and Healing Council**

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 (Vol. 2, p. 245).

#### **Action**

CPSL is developing standards that respond to this Recommendation.

The practical application of these recommendations requires further consideration, with regard to scope, provision of suitable, qualified ministry supervisors and appraisers, the development of support structures, and implementation timelines.

## **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.

### **Response to the Recommendation**

Accepted in principle.

### **Advice from the Truth Justice and Healing Council**

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. (Vol. 2, p. 245)

#### **Action**

CPSL is developing standards that respond to this Recommendation. The practical application of these Recommendations requires further consideration, with regard to scope, provision of suitable, qualified ministry supervisors and appraisers, the development of support structures, and implementation timelines.

### **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.

#### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

CPSL should develop the appropriate standards associated with screening and training for overseas sourced personnel (Vol. 2, p. 247).

#### **Action**

The ACBC National Office for Clergy Life and Ministry is collaborating with the Australian Catholic Migrant and Refugee Office to develop programs that incorporate the matters identified in the recommendation.

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

### **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.

#### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

CPSL should develop the appropriate standards to meet this recommendation as a matter of urgency. Duplication with government regulatory systems should be avoided (Vol. 2, p. 249).

### **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **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.

### **Response to the Recommendation**

The Recommendation will require further consideration.

### **Advice from the Truth Justice and Healing Council**

See the detailed discussion in the section entitled 'Recommendations 7.4, 16.26, 16.48 and the Criminal Justice report' (Vol. 2, p. 250).

### **Action**

The hearing of confessions of groups of children is now normally done in the open. CPSL is developing standards that respond to this recommendation. Each diocese has or would need to develop local protocols.

Confessors cannot necessarily determine the age of a person who chooses to celebrate the Sacrament of Penance anonymously (refer Recommendations 7.4 and 16.26).

## **Recommendation 16.49**

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

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the consideration of CPSL (Vol. 2, p. 251).

### **Action**

The existing codes, 'Integrity in Ministry' for clergy and religious and 'Integrity in the Service of the Church' for laity, will be reviewed.

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **Recommendation 16.50**

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; and
- d) That all complaints relating to child sexual abuse must be taken seriously, regardless of the perceived severity of the behaviour.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the consideration of CPSL (Vol. 2, p. 251).

### **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 Implementation Advisory Group (Vol. 2, p. 253).

### **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 Implementation Advisory Group (Vol. 2, p. 253).

### **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

Complaint handling policies for the Catholic Church need to be developed with appropriate regard to canonical processes (refer Recommendation 7.7).

## **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*.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 Implementation Advisory Group (Vol. 2, p. 253).

### **Action**

CPSL is developing standards in response to this Recommendation.

A protocol will need to be established with regard to alleged offenders identified in an application to the National Redress Scheme against whom a complaint has not already been received (refer Recommendation 7.7).

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 Implementation Advisory Group (Vol. 2, p. 253).

### **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards (refer Recommendation 7.7).

## **Recommendation 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.

### **Response to the Recommendation**

Accepted in principle.

### **Advice from the Truth Justice and Healing Council**

See the detailed discussion in the section entitled 'Recommendations 7.4, 16.55 and 16.56 (Vol. 2, p. 254).

### **Action**

ACBC and CRA will develop national policies so as to ensure consistency throughout the Church in Australia (refer Recommendations 7.7 and 16.14).

## **Recommendation 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.

### **Response to the Recommendation**

Accepted in principle; ACBC has informed the Holy See.

### **Advice from the Truth Justice and Healing Council**

See the detailed discussion in the section entitled 'Recommendations 7.4, 16.55 and 16.56 (Vol. 2, p. 254).

## **Action**

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. The critical decision is to remove an offender from the exercise of all public ministry.

ACBC will develop a national policy to ensure consistency among existing diocesan policies.

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

(refer Recommendations 7.7 and 16.14)

## **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; and
- b) Take appropriate steps to manage that risk.

## **Response to the Recommendation**

Accepted.

## **Advice from the Truth Justice and Healing Council**

Recommendation 16.57 should be referred to the Implementation Advisory Group 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 (Vol. 2, p.256).

## **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **Recommendation 16.58**

Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

This recommendation should be referred to the Implementation Advisory Group for further consideration.

On the understanding that the operation of the ACMR is likely to transfer to CPSL from the NCPR[S], it may be that the transfer will provide an opportunity for CPSL to evaluate the ACMR in its current form and determine whether it is the best structure to achieve the goal of ensuring the safety of children (Vol. 2, p. 258).

### **Action**

ACBC has committed to completing the rollout of the Australian Catholic Ministry Register (ACMR) and to using it to limit risk.

## **Other Relevant Recommendations of the Royal Commission**

### **Recommendations 6.4 & 6.5**

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. Note Recommendation 6.5 sets out the Child Safe Standards.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 CPSL for consideration and development of appropriate standards.

Implementation progress by Church authorities and CPSL should be monitored by the Implementation Advisory Group (Vol. 2, p. 53).

## Action

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## Recommendation 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.

## **Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved**

- a) The institution regularly reviews and improves child safe practices.
- b) 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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 CPSL for consideration and development of appropriate standards.

Implementation progress by Church authorities and CPSL should be monitored by the Implementation Advisory Group (Vol. 2, p. 53).

### **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **Recommendation 6.21**

Pre-service education and in-service training should be provided to support child-related institutions in creating safe online environments. The Office of the eSafety Commissioner should advise on and contribute to program design and content.

These programs should be aimed at:

- a) Tertiary students studying university, technical and further education, vocational education and training courses, before entering child-related occupations; and could be provided as a component of a broader program of child sexual abuse prevention education;
- b) Staff and volunteers in schools and other child-related organisations, and could build on the existing web-based learning programs of the Office of the eSafety Commissioner.

## **Response to the Recommendation**

Accepted.

## **Advice from the Truth Justice and Healing Council**

These Recommendations will have to be addressed by the NCEC and state education offices and commissions (Vol. 2, p. 67).

## **Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards in relation to schools and child-related organisations they conduct.

## **Recommendation 7.4**

Laws concerning mandatory reporting to child protection authorities should not exempt persons in religious ministry from being required to report knowledge of suspicions formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession.

## **Response to the Recommendation**

Not accepted.

## **Advice from the Truth Justice and Healing Council**

The seal

The Implementation Advisory Group should commission research, probably in conjunction with the Canon Law Society of Australia and New Zealand, concerning:

- a) The theological underpinning of, and the practices relating to the delivery of the sacrament with particular reference to the seal of the confessional and the extent to which reporting obligations can be complied with and, allied with it, the theology of the child.
- b) Improvements to formation and training of clergy about these matters and education programmes for the faithful about the sacrament.
- c) Ways and means in which the concerns identified by the Royal Commission about the dangers to children inherent in the present manner of operation of the sacrament and concerning its coverage of confessions by a perpetrator and disclosure by a child that she or he has been abused.

The Implementation Advisory Group should also commission research, including an opinion from senior counsel, about the extent to which legislation of the type proposed in Recommendation 7.4 would be inimical to freedom of religion.

The ACBC should establish a committee or working group to develop strategies for articulating the position of the Church in relation to the seal and for dealing with governments if (when) legislation is proposed.

## **Confusion about the sacrament**

In addition to the communications initiated by Archbishop Wilson and the October 2017 delegation to the Holy See, all of these recommendations should be brought to the attention of the Holy See working group with a suggestion that they be referred to, among other bodies, the Pontifical Commission for the Protection of Minors.

The Implementation Advisory Group should also commission work to improve the instruction of seminarians and professional development for clergy about the theological underpinnings and the pastoral and practical elements. There will also be a role for CPSL in this respect when it looks at the broader aspects of formation and seminary curricular.

## **Physical environment of the confessional**

Many dioceses have already issued guidelines or directives along the lines of Recommendation 16.48. Again, the Implementation Advisory Group should encourage the others to follow suit and for a consistent approach to be adopted. However, work will have to be done on the practicalities of ensuring 'line of sight' and the presence of an independent adult at regular parish (as well as school-initiated) sacramental participation.

## **Mandatory reporting regimes**

The issues dealt with in Recommendations 33, 35 and 36 are largely state and territory based. Nonetheless, there are matters of principle that will be of general application. The Implementation Advisory Group should commission research on those questions for the benefit of individual diocese (or provinces) if (when) the issue arises.

As indicated, the Council supported, and continues to support, retention of the civil law protection for the seal of the confessional. In relation to mandatory reporting, the Council supported, and supports, the attainment of consistency across the jurisdictions and, subject to protection for the seal, the inclusion of persons in religious ministry in the class of mandatory reporters.

The relevant policy positions advanced by the Council are described in the section of the introductory chapter entitled 'The Sacrament of Confession' (Vol. 2, pp. 76-77).

## **Action**

The Catholic Church is committed that, in all its work with children and people who are vulnerable, all places and occasions of worship and sacramental life will reflect the principles of safeguarding identified by the Royal Commission and developed through the standards of CPSL.

The Catholic Church is committed to ensuring that confessionals and all other places where the Sacrament of Penance is offered will be places of safety for children.

Dioceses will examine confessional spaces and practices and provide education for confessors and seminarians on best practice for confession.

Church authorities will work to ensure that to the extent possible the concerns of the Commonwealth, States and Territories are met in regard to safeguarding principles in Confession. However, the 'seal of Confession' is inviolable for the priest confessor.

Children will be less rather than more safe if mandatory reporting of confessions were required: the rare instance where a perpetrator or victim might have raised this in Confession would be less likely to occur if confidence in the sacramental seal were undermined; and so an opportunity would be lost to encourage a perpetrator to self-report to civil authorities or victims to seek safety.

Mandatory reporting of confessions would also be a violation of freedom of religious belief and worship.

IAG will consult the Episcopal Panel for Canon Law Reference Group and provide further advice about recommendations concerning canon law.  
(refer Recommendation 7.3, 16.26 and 16.48)

## **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; and
- e) achieving systemic improvements following a complaint.

## **Response to the Recommendation**

Accepted.

## **Advice from the Truth Justice and Healing Council**

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 complaint 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.

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 complaint 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), (Vol. 2, p. 82).

### **Action**

CPSL is developing standards that respond to this recommendation.

ACBC and CRA have initiated a review of existing protocols in 'Towards Healing' and the 'Melbourne Response' towards establishing a single harmonised national approach.

Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

(refer Recommendations 16.52, 16.53, 16.54, 16.55 and 16.56)

## **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; and
- 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).

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 complaint 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.

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 complaint 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), (Vol. 2, p. 82).

### **Action**

CPSL is developing standards that respond to this recommendation.

ACBC and CRA have initiated a review of existing protocols in 'Towards Healing' and the 'Melbourne Response' towards establishing a single harmonised national approach.

Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

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 (Vol. 2, p. 85).

### **Action**

CPSL is developing standards that respond to this recommendation. Each

diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

ACBC and CRA will prepare guidelines for ordering and maintaining documents, in accordance with the norms of canon law, for a minimum of 50 years (refer Recommendation 16.17).

## **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.

**Response to the Recommendation**

Accepted.

**Advice from the Truth Justice and Healing Council**

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 (Vol. 2 p. 90).

**Action**

CPSL is developing standards that respond to this Recommendation. Each diocese and religious institute will then be responsible for implementing and complying with the CPSL standards.

**Recommendation 8.5**

State and territory governments should ensure that non-government schools operating in the state or territory are required to comply, at a minimum, with standards applicable to government schools in relation to the creation, maintenance and disposal of records relevant to child safety and wellbeing, including child sexual abuse.

**Response to the Recommendation**

Supported.

### **Advice from the Truth Justice and Healing Council**

Recommendation 8.5 should be referred to CPSL, the NCEC and state Catholic education commissions and offices for consideration and implementation (Vol. 2, p. 91).

#### **Action**

The National Catholic Education Commission (NCEC) and comparable state, territory and diocesan bodies will ensure that Catholic school authorities comply with these standards. They will report to CPSL on all aspects of external compliance and child safeguarding.

## **Recommendation 8.18**

Carers registers should be maintained by state and territory child protection agencies or bodies with regulatory or oversight responsibility for out-of-home-care in that jurisdiction.

### **Response to the Recommendation**

Supported.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers) (Vol. 2, p. 107).

#### **Action**

The relevant Catholic social service agencies will implement any applicable requirements legislated by state and territory governments. They will report to CPSL on all aspects of external compliance and child safeguarding.

## **Recommendation 8.19**

State and territory governments should consider the need for carers registers to include, at a minimum, the following information (register information) about, or related to, applicant or authorised carers, and persons residing on the same property as applicant/authorised home-based carers (household members):

- a) Lodgement or grant of applications for authorisation.
- b) Status of the minimum checks set out in Recommendation 12.6 as requirements for authorisation, indicating their outcomes as either satisfactory or unsatisfactory.
- c) Withdrawal or refusal of applications for authorisation in circumstances of concern (including in relation to child sexual abuse).
- d) Cancellation or surrender of authorisation in circumstances of concern (including in relation to child sexual abuse).
- e) Previous or current association with an out-of-home care agency, whether by application for authorisation, assessment, grant of authorisation, or supervision.
- f) The date of reportable conduct allegations, and their status as either current, finalised with ongoing risk-related concerns, and/or requiring contact with the reportable conduct oversight body.

## **Response to the Recommendation**

Supported.

## **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers) (Vol. 2, p. 109).

## **Action**

The relevant Catholic social service agencies will implement any applicable requirements legislated by state and territory governments.

## **Recommendation 8.21**

State and territory governments should consider the need for legislative and administrative arrangements to require responsible agencies:

- a) Before they authorise or recommend authorisation of carers, to:
  - i. undertake a check for relevant register information, and
  - ii. seek further relevant information from another out-of-home care agency where register information indicates applicant carers, or their household members (in the case of prospective home-based carers) have a prior or current association with that other agency.
- b) in the course of their assessment, authorisation, or supervision of carers, to:
  - i. seek further relevant information from other agencies or bodies, where register information indicates they hold, or may hold, additional information relevant to carer suitability, including reportable conduct information.

State and territory governments should give consideration to enabling agencies to seek further information for these purposes under our recommended information exchange scheme (Recommendations 8.6 to 8.8).

## **Response to the Recommendation**

Supported.

## **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers) (Vol. 2 p. 112).

## **Action**

The relevant Catholic social service agencies will implement any applicable requirements legislated by state and territory governments.

## **Recommendation 8.22**

State and territory governments should consider the need for effective mechanisms to enable agencies and bodies to obtain relevant information from registers in any state or territory holding such information. Consideration should be given to legislative and administrative arrangements, and digital platforms, which will enable:

- a) Agencies responsible for assessing, authorising or supervising carers.
- b) Other agencies, including jurisdictional child protection agencies and regulatory oversight bodies, with responsibilities related to the suitability of persons to be carers and the safety of children in out-of-home care.

To obtain relevant information from their own and other jurisdictions' registers for the purpose of exercising their responsibilities and functions.

### **Response to the Recommendation**

Supported.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers), (Vol. 2, p. 114).

### **Action**

The relevant Catholic social service agencies will implement any applicable requirements legislated by state and territory governments.

## **Recommendation 13.1**

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

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For consideration by CPSL, NCEC and state Catholic education offices and commissions (Vol. 2, p. 172).

### **Action**

CPSL is developing standards that respond to this recommendation. The NCEC and comparable state, territory and diocesan bodies will be responsible for monitoring compliance by Catholic school authorities with these standards.

## **Recommendation 13.2**

State and territory independent oversight authorities responsible for implementing the Child Safe Standards should delegate to school registration authorities the responsibility for monitoring and enforcing the Child Safe Standards.

### **Response to the Recommendation**

Supported.

### **Advice from the Truth Justice and Healing Council**

For consideration by CPSL, NCEC and state Catholic education offices and commissions (Vol. 2, p. 172).

### **Action**

This recommendation is supported.

## **Recommendation 13.3**

School registration authorities should place particular emphasis on monitoring government and non-government boarding schools to ensure they meet the Child Safe Standards. Policy guidance and practical support should be provided to all boarding schools to meet these standards, including advice on complaint handling.

### **Response to the Recommendation**

Supported.

### **Advice from the Truth Justice and Healing Council**

For consideration by CPSL, NCEC and state Catholic education offices and commissions (Vol. 2, p. 172).

### **Action**

This recommendation is supported.

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For consideration by CPSL, NCEC and state Catholic education offices and commissions (Vol. 2, p. 172).

## **Action**

CPSL is developing standards that respond to this Recommendation. The NCEC and comparable state, territory and diocesan bodies will be responsible for monitoring compliance by Catholic school authorities with these standards.

## **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.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

The Implementation Advisory Group should co-ordinate the Church's first annual response to this Recommendation incorporating into it results of CPSL audits and other undertakings.

Depending on the life of the Implementation Group, the responsibility of coordinating the following four annual reviews will need to be undertaken by the ACBC/CRA or possibly CPSL.

These reviews will be closely scrutinised and will demonstrate to the community the extent to which the Catholic Church has listened and responded to the revelations of the Royal Commission (Vol. 2, p. 262).

## **Action**

IAG will advise ACBC and CRA on implementation and reporting.

CPSL will monitor implementation of the recommendations and will audit compliance.

ACBC and CRA will each report to the National Office for Child Safety.

## **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.

### **Response to the Recommendation**

Supported.

## **Advice from the Truth Justice and Healing Council**

This is a matter for government and nothing is required of Church authorities at this time (Vol. 2, p. 71).

### **Action**

This recommendation is supported.

## **Recommendation 7.3**

State and territory governments should amend laws concerning mandatory reporting to child protection authorities to achieve national consistency in reporter groups. At a minimum, state and territory governments should also include the following groups of individuals as mandatory reporters in every jurisdiction:

- a) out-of-home-care workers (excluding foster and kinship/relative carers)
- b) youth justice workers
- c) early childhood workers
- d) registered psychologists and school counsellors
- e) people in religious ministry.

### **Response to the Recommendation**

Supported in principle.

## **Advice from the Truth Justice and Healing Council**

This is a matter for government and nothing is required of Church authorities at this time (Vol. 2, p. 71).

### **Action**

ACBC agrees that clergy should be obligated by mandatory reporting requirements, with the exception of information revealed during celebration of the Sacrament of Penance (Confession), (refer Recommendations 7.4 and 16.25).

## **Recommendation 12.6**

In addition to a National Police Check, Working With Children Check and referee checks, authorisation of all foster and kinship/relative carers and all residential care staff should include:

- a) Community services checks of the prospective carer and any adult household members of home-based carers.
- b) Documented risk management plans to address any risks identified through community services checks.
- c) At least annual review of risk management plans as part of carer reviews and more frequently as required.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers), (Vol. 2, p. 144).

### **Action**

CPSL is developing standards that respond to this Recommendation. The relevant Catholic social service agencies conducting out-of-home care programs will then be responsible for implementing any CPSL standards.

## **Recommendation 12.7**

All out-of-home care service providers should conduct annual reviews of authorised carers that include interviews with all children in the placement with the carer under review, in the absence of the carer.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers) (Vol. 2, p. 144).

### **Action**

CPSL is developing standards that respond to this recommendation. The relevant Catholic social service agencies conducting out-of-home care programs will then be responsible for implementing any CPSL standards.

## **Recommendation 12.10**

State and territory governments, in collaboration with out-of-home care service providers and peak bodies, should develop resources to assist service providers to:

- a) Provide appropriate support and mechanisms for children in out-of-home care to communicate, either verbally or through behaviour, their views, concerns and complaints.
- b) Provide appropriate training and support to carers and caseworkers to ensure they hear and respond to children in out-of-home care, including ensuring children are involved in decisions about their lives.
- c) Regularly consult with the children in their care as part of continuous improvement processes.

### **Response to the Recommendation**

Supported.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers), (Vol. 2, p. 144).

### **Action**

CPSL is developing standards that respond to this Recommendation. The relevant Catholic social service agencies conducting out-of-home care programs will then be responsible for implementing any CPSL standards.

## **Recommendation 12.11**

State and territory governments and out-of-home care service providers should ensure that training for foster and relative/kinship carers, residential care staff and child protection workers includes an understanding of trauma and abuse, the impact on children and the principles of trauma-informed care to assist them to meet the needs of children in out-of-home care, including children with harmful sexual behaviours.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers), (Vol. 2, p. 144).

### **Action**

CPSL is developing standards that respond to this Recommendation. The relevant Catholic social service agencies conducting out-of-home care programs will then be responsible for implementing any CPSL standards.

## **Recommendation 12.12**

When placing a child in out-of-home care, state and territory governments and out-of-home care service providers should take the following measures to support children with harmful sexual behaviours:

- a) Undertake professional assessments of the child with harmful sexual behaviours, including identifying their needs and appropriate supports and interventions to ensure their safety.
- b) Establish case management and a package of support services.
- c) Undertake careful placement matching that includes:
  - i. Providing sufficient relevant information to the potential carer/s and residential care staff to ensure they are equipped to support the child, and additional training as necessary.
  - ii. Rigorously assessing potential threats to the safety of other children, including the child's siblings, in the placement.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers), (Vol. 2, p. 144).

### **Action**

CPSL is developing standards that respond to this Recommendation. The relevant Catholic social service agencies conducting out-of-home care programs will then be responsible for implementing any CPSL standards.

## **Recommendation 12.13**

State and territory governments and out-of-home care service providers should provide advice, guidelines and ongoing professional development for all foster and kinship/relative carers and residential care staff about preventing and responding to the harmful sexual behaviours of some children in out-of-home care.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers), (Vol. 2, p. 144).

### **Action**

CPSL is developing standards that respond to this Recommendation. The relevant Catholic social service agencies conducting out-of-home care programs will then be responsible for implementing any CPSL standards.

## **Recommendation 12.16**

All institutions that provide out-of-home care should develop strategies that increase the likelihood of safe and stable placements for children in care. Such strategies should include:

- a) Improved processes for 'matching' children with carers and other children in a placement, including in residential care.
- b) The provision of necessary information to carers about a child, prior to and during their placement, to enable carers to properly support the child.
- c) Support and training for carers to deal with the different developmental needs of children as well as managing difficult situations and challenging behaviour.

### **Response to the Recommendation**

Accepted.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers), (Vol. 2, p. 144).

### **Action**

CPSL is developing standards that respond to this Recommendation. The relevant Catholic social service agencies conducting out-of-home care programs will then be responsible for implementing any CPSL standards.

## **Recommendation 12.18**

The key focus of residential care for children should be based on an intensive therapeutic model of care framework designed to meet the complex needs of children with histories of abuse and trauma.

### **Response to the Recommendation**

Supported.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers), (Vol. 2, p. 144).

### **Action**

CPSL is developing standards that respond to this Recommendation. The relevant Catholic social service agencies conducting out-of-home care programs will then be responsible for implementing any CPSL standards.

## **Recommendation 12.19**

All residential care staff should be provided with regular training and professional supervision by appropriately qualified clinicians.

### **Response to the Recommendation**

Supported.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers) (Vol. 2, p. 144).

### **Action**

CPSL is developing standards that respond to this Recommendation. The relevant Catholic social service agencies conducting out-of-home care programs will then be responsible for implementing any CPSL standards.

## **Recommendation 12.20**

Each state and territory government, in consultation with appropriate Aboriginal and Torres Strait Islander organisations and community representatives, should develop and implement plans to:

- a) Fully implement the Aboriginal and Torres Strait Islander Child Placement Principle.
- b) Improve community and child protection sector understanding of the intent and scope of the principle.

- c) Develop outcome measures that allow quantification and reporting on the extent of the full application of the principle, and evaluation of its impact on child safety and the reunification of Aboriginal and Torres Strait Islander children with their families.
- d) Invest in community capacity building as a recognised part of kinship care, in addition to supporting individual carers, in recognition of the role of Aboriginal and Torres Strait Islander communities in bringing up children.

### **Response to the Recommendation**

Supported.

### **Advice from the Truth Justice and Healing Council**

For the attention of CPSL and CSSA (OOHC providers), (Vol. 2, p. 166).

### **Action**

CPSL is developing standards that respond to this Recommendation, and relevant Catholic Aboriginal and Torres Strait Islander organisations will then be responsible for implementing these CPSL standards.