ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Study 50
(Day 250)

Level 17, Governor Macquarie Tower
1 Farrer Place, Sydney

On Thursday, 16 February 2017 at 10am

Before:
The Chair: Justice Peter McClellan AM
Before Commissioners: Justice Jennifer Ann Coate
Mr Bob Atkinson AO APM
Mr Robert Fitzgerald AM
Professor Helen Milroy
Mr Andrew Murray

Counsel Assisting: Ms Gail Furness SC
Mr Stephen Free
MS FURNESS: Thank you, your Honour. Your Honours and Commissioners, at the commencement of this hearing, I provided some of the results from the analysis of Catholic Church authorities data about claims made to them in relation to child sexual abuse. I will shortly tender the entire report.

As I set out last week, the claim survey was carried out with the assistance of the Truth, Justice and Healing Council and the Catholic Church authorities, who provided their data about claims of child sexual abuse. As I indicated then, the Royal Commission is grateful for their assistance.

This survey gathered information about the extent of claims of child sexual abuse made against Catholic Church personnel, including any current or former priest, religious brother or sister, or any other person employed in or appointed to a voluntary position by a Catholic Church authority.

The data collected included all claims of child sexual abuse, including those that were ongoing, settled, discontinued, concluded without redress or not accepted by the authority. The data provided in the report does not record the total number of allegations of child sexual abuse made to Catholic Church authorities in Australia. The survey was confined to seeking information about claims where the claimant had sought redress, or complaints that were accepted, although redress had not been sought.

The Royal Commission's experience is that many survivors face barriers which deter them from reporting abuse to authorities and to the institution in which the abuse occurred. Accordingly, the total number of incidences of child sexual abuse in the Catholic Church institutions in Australia is likely to be greater than the claims made.

I indicated last week that the Council engaged a statistician to ensure the accuracy of the analysis conducted by the Royal Commission's independent data analysts. Discussions between the Council's statistician and those data experts engaged by the Commission have been ongoing since late 2016. Those discussions have resulted in one more claim being identified, taking the number of people who have made such a claim to 4,445.
The claims data sought information about claims received in the period 1980 to 2015. For a claim to be included in the survey, the claimant must have approached the relevant Catholic Church authority in this time period. However, there was no time limitation in relation to the date of the alleged incidents of abuse.

The earliest incidence of alleged abuse reported in a claim to a Catholic Church authority was in the 1920s and the latest was after 2010.


As I indicated earlier, the average time between the alleged abuse and the date a claim was made was 33 years. The Christian Brothers, the De La Salle Brothers, the Marist Brothers, the Patrician Brothers and the St John of God Brothers, each of which has only religious brother members, made up only 5 per cent of all of the Catholic Church authorities which received any claims.

However, of all the claims which were made to authorities, 41 per cent were received by these five male orders.

Archdioceses and dioceses made up 33 per cent of all Catholic Church authorities which received any claims. Of all the claims which were made to authorities, archdioceses and dioceses received 37 per cent.

Female religious institutes with religious sister members made up 28 per cent of Catholic Church authorities that received any claims of child sexual abuse, and yet of all the claims which were made to authorities, they received only 9 per cent.

The claims of child sexual abuse identified 1,049 separate Catholic Church institutions. The most common institution type identified in claims were schools. They were identified in 46 per cent of all claims, almost half.

Children's orphanages or residential facilities were
identified in 29 per cent of all claims.

The highest number of claims of child sexual abuse concerned a residential care facility operated by the De La Salle Brothers in Beaudesert in Queensland. There were 219 claims relating to alleged child sexual abuse at this institution.

The claims survey sought information about the outcomes provided to people who made claims, including the number of people who received monetary compensation and the amount of monetary compensation paid. Overall, 3,066 claims of child sexual abuse resulted in a payment being made following a claim for redress; 2,854 of these claims resulted in monetary compensation. A significant number of claims were ongoing at the time of the survey.

Overall, Catholic Church authorities paid $276.1 million in response to claims of child sexual abuse received between 1 January 1980 and 28 February 2015. That sum included amounts for compensation, treatment, legal and other costs. Of the total amount, $258.8 million was monetary compensation, at an average of about $91,000 per claim.

The Christian Brothers, who at the relevant time operated a number of residential facilities, reported the highest number of payments. This order of Brothers made 763 payments amounting to $48.5 million, with an average payment of about $64,000.

Of those Catholic Church authorities that made at least 10 payments, the Jesuits reported the highest average payment, at about $257,000 per payment.

The most commonly used redress process was Towards Healing, with 40 per cent of claims going through this scheme. Of all redress processes, the Melbourne Response had the highest proportion of claims resulting in monetary compensation: 324 claims, or 84 per cent of all Melbourne Response claims, resulted in monetary compensation.

Of all the redress processes used by claimants, the highest amount of monetary compensation paid was through civil proceedings, at $96.6 million. Other redress processes, which might include a direct approach by a claimant or their solicitor to a church authority,
resulted in monetary compensation payments of $93.1 million. The highest average monetary compensation paid was about $151,000 per complainant and was through civil proceedings.

Last week I tendered a document that set out the proportion of priest and religious members of Catholic Church authorities who ministered in the period 1950 to 2010 and were alleged perpetrators of child sexual abuse. That statistical analysis adopts the weighted average methodology.

When they were engaged to carry out the analysis, the data experts engaged by the Royal Commission advised the Royal Commission that the weighted average methodology should be used, as it properly takes into account the risk to children and is the statistically appropriate methodology for calculating proportions over a period of six decades.

The Royal Commission has received a number of inquiries regarding the weighted average methodology. By way of explanation, that methodology takes into account how long alleged perpetrators were in ministry in the period 1950 to 2010 compared with how long all members of the relevant Catholic Church authority were in ministry over this 60-year period.

Those who ministered for less time are likely to have come into contact with fewer children and, over time, posed less potential risk to children than those who ministered for a longer period of time. The weighted average approach ensures that each person is weighted according to their duration of ministry.

The Truth, Justice and Healing Council was provided with the methodology analysis and results in November and December last year, and the Royal Commission has received no objection to the use of this methodology.

The Royal Commission calculated the proportion of priest and religious members of the Catholic Church authorities who ministered in that period 1950 to 2010 who were alleged perpetrators of sexual abuse relative to the total number of priest and religious members who ministered during the same period, taking into account the duration of ministry that was in accordance with the weighted average
The proportions were calculated using that methodology, which ensures that a statistically consistent approach is taken to individuals who were in ministry for only a few years and individuals who were in ministry for decades. For example, if a weighted average approach was not used, a priest who ministered for only five years in that period would be counted in exactly the same way - that is, given the same weight - as a priest who ministered for 50 years in this period.

As I said, those who ministered for less time are likely to have come into contact with fewer children and, over time, posed less potential risk to children than those who have ministered for a longer period of time.

The weighted average methodology also permits an appropriate comparison between priests and religious who ministered recently with those who ministered many decades ago, because it accounts for the tendency for priests and religious who ministered recently to have a shorter duration of ministry than those who ministered decades ago.

The weighted average methodology further permits an appropriate comparison between different Catholic Church authorities where there are different average periods of ministry for all members of each Catholic Church authority. This methodology results in a lower proportion of alleged perpetrators when the average duration of ministry for alleged perpetrators is shorter than the average duration of ministry of all priests compared with a calculation that does not account for those differing durations.

For example, for the Archdiocese of Adelaide, using the weighted average methodology, the proportion of priests who ministered in the period from 1950 to 2010 who were alleged perpetrators is 2.4 per cent. That's with the methodology. This proportion is obtained by weighing the service of the 229 priests who served in that archdiocese with that of the 10 alleged perpetrators, and that resulted in 2.4 per cent. Without weighing duration of ministry, the proportion of alleged perpetrators rises to 4.1 per cent.

The weighted average methodology results in a higher proportion of alleged perpetrators when the average
duration of ministry for alleged perpetrators is longer
than the average duration of ministry for all other priests
and religious in that authority compared with a calculation
that does not account for differing durations. For
example, in the Archdiocese of Melbourne, using the
weighted average methodology, the proportion of priests who
ministered in that period of 60 years who were alleged
perpetrators is 8.1 per cent. This proportion is obtained
by weighing the service of the 842 priests who served in
that archdiocese and that of the 58 alleged perpetrators.
Without weighing duration of ministry, the proportion of
alleged perpetrators is 6.9 per cent.

In the case of the St John of God Brothers, using the
weighted average methodology, the proportion of Brothers
who ministered in the period from 1950 to 2010 who were
alleged perpetrators is 40.4 per cent. This proportion is
obtained by weighing the service of the 113 Brothers who
served in that order and that of the 34 alleged
perpetrators. Without weighing duration of ministry, the
proportion of alleged perpetrators is 30.4 per cent.

In summary, the weighted average approach was used
because it is the most appropriate method for calculating
the proportion of priest and religious members of these
Catholic Church authorities who ministered in the period
from 1950 to 2010 and who were alleged perpetrators of
child sexual abuse relative to the total number of priests
and religious who ministered during that same period, for
the following reasons.

Firstly, it takes into account the relative risk to
children of individuals who have ministered for different
periods of time.

Secondly, it ensures a statistically consistent
approach is taken to individuals who have ministered for
different periods of time.

Thirdly, it takes into account differing average
durations of ministry over a period of six decades.

And, finally, it enables the comparison of Catholic
Church authorities which have different average periods of
ministry.

Your Honour, I tender the report, Analysis of Claims
of Child Sexual Abuse Made With Respect to Catholic Church Institutions in Australia.

THE CHAIR: I think we're up to number 7. Exhibit 50-007, yes. We'll mark it in that way.

EXHIBIT #50-007 REPORT TITLED ANALYSIS OF CLAIMS OF CHILD SEXUAL ABUSE MADE WITH RESPECT TO CATHOLIC CHURCH INSTITUTIONS IN AUSTRALIA

MS FURNESS: In addition, your Honour, I tender a document which sets out the manner in which the proportions have been calculated using the weighted average methodology and a non-weighted methodology for each Catholic Church authority referred to in the report which I have just tendered.

THE CHAIR: We'll call that the explanation document. It will become exhibit 50-008.

EXHIBIT #50-008 EXPLANATION DOCUMENT

MS FURNESS: Thank you, your Honour. My friend Mr Free will be taking the panel in relation to the Catholic Education Office. Might I be excused?

THE CHAIR: Yes, you may.

MS FURNESS: Thank you, your Honour.

THE CHAIR: There are four witnesses?

MR FREE: There are, your Honour.

<STEPHEN NOEL MCKENZIE ELDER, sworn: [10.21am]
<TIM MCDONALD, sworn: [10.21am]
<PETER ANTHONY HILL, sworn: [10.21am]
<JOHN CROWLEY, sworn: [10.21am]

MR FREE: Thank you, your Honour. Dr McDonald, can I start with you. Can you state your full name.

DR McDonald: Dr Tim McDonald.
MR FREE: And, Dr McDonald, you have been involved in Catholic Education since 1992; is that right?

DR McDONALD: I've had a break, Mr Free. I worked in the UK for four and a half years and then worked as an academic at Edith Cowan University for nine and a half years before coming back in to Catholic Education.

MR FREE: While you were in the UK, you also undertook a Doctorate in Education; is that right?

DR McDONALD: Yes, I did. I was working with 14 to 16-year-olds, who were excluded from mainstream schooling. I worked with them in a special unit and then I did my doctoral studies on those students.

MR FREE: When did you start work with the Catholic Education Office in Western Australia?

DR McDONALD: In 2011.

MR FREE: Thank you. What was your position then?

DR McDONALD: I came in as Assistant Director, People and Organisational Services.

MR FREE: And you've more recently become the Executive Director?

DR McDONALD: Correct, in November 2012.

MR FREE: And that's the position you're still in?

DR McDONALD: Yes.

MR FREE: Thank you. Mr Hill, can I turn to you, please. Can you state your full name?

MR HILL: Peter Anthony Hill.

MR FREE: You have been involved in Catholic Education since the 1990s; is that right?

MR HILL: That's correct. A bit like Mr McDonald, I had a break for about four years when I worked with Mater Health Services.
MR FREE: What were you doing for Mater Health Services?

MR HILL: My role there was Executive Director of Mission Leadership.

MR FREE: You've been the Principal of St Ignatius School in Toowong; is that right?

MR HILL: That's correct.

MR FREE: You became the Executive Director of Schools in the Diocese of Bathurst in 2008; is that right?

MR HILL: That's correct.

MR FREE: How long did you serve in that position?

MR HILL: Approximately four years.

MR FREE: And you then moved to the Brisbane Catholic Education Office?

MR HILL: That's correct.

MR FREE: What position do you hold up there?

MR HILL: I hold the position of Director of Employee Services.

MR FREE: Is that the most senior position in the Catholic Education Office there?

MR HILL: No, it is not. I report to the Executive Director.

MR FREE: Mr Elder, can I turn to you, please. Could you state your full name?


MR FREE: How long have you been involved in the Catholic Education system?


MR FREE: So from 2001, what was your role in the Catholic
Education Office?

MR ELDER: Initially I came to the office as - in modern language - it was Director of Infrastructure and Planning within the office.

MR FREE: You subsequently moved on to become the Director of Catholic Education; is that right?

MR ELDER: That's correct.

MR FREE: That was for five years or so from 2006?

MR ELDER: Correct.

MR FREE: And then you became the Executive Director in 2011?

MR ELDER: Yes. Of the Catholic Education Office, Melbourne, and Executive Director of the Catholic Education Commission of Victoria.

MR FREE: You're also a member of the Truth, Justice and Healing Council, is that right?

MR ELDER: Correct.

MR FREE: Mr Crowley, can I turn to you, please. Can you state your full name?

MR CROWLEY: John Stephen Crowley.

MR FREE: You've been a teacher or principal in the Catholic system since 1993?

MR CROWLEY: That's correct, yes.

MR FREE: You have been the principal of two different schools; is that right?

MR CROWLEY: Yes, Marian College in Ararat and St Patrick's College in Ballarat.

MR FREE: That's the position you're in at the moment, Principal of St Patrick's College in Ballarat?

MR CROWLEY: Correct.
MR FREE: Dr McDonald, can I come to you, please. We have the benefit of a statement from the archbishop of your archdiocese describing some of the arrangements in relation to Catholic Education. I take it you've read that?

DR McDONALD: Yes.

MR FREE: Just trying to understand the responsibilities and delegations, it indicates that under canon law the diocesan bishop has responsibility for Catholic schools in the diocese; is that your understanding?

DR McDONALD: Yes.

MR FREE: That includes schools run by religious institutes?

DR McDONALD: In Western Australia, Mr Free, Catholic Education takes the whole state. There are four dioceses - Kimberley, Geraldton, the south with Bunbury and the Archdiocese of Perth. Those four dioceses come under one commission, Catholic Education Commission of Western Australia. All 163 schools in Western Australia come under the Commission for policy.

MR FREE: And that includes schools owned by religious institutes?

DR McDONALD: Yes.

MR FREE: And run by them, to some degree?

DR McDONALD: Yes, they follow CECWA policy.

MR FREE: Is that a mix of what has been referred to in the material as public juridic persons and religious institutes as the owners of those schools?

DR McDONALD: Yes.

MR FREE: In the case of those religious institute schools, do they look after the hiring of staff for the schools?

DR McDONALD: Yes.
MR FREE: Just coming back to the administration, the body you've described, the Catholic Education Commission - that works by way of a delegation from the four bishops?

DR McDONALD: That's correct.

MR FREE: And it's a delegation of general responsibility for education?

DR McDONALD: Yes, a whole range of responsibilities for policy development and Catholic identity and the running of good schools across the state.

MR FREE: That body produces policy documents?

DR McDONALD: Yes, it does.

MR FREE: One of those which has been referred to is policy statement 2D/3, Child Protection?

DR McDONALD: That's correct.

MR FREE: Is that the main policy that applies in Western Australia governing child protection issues in schools?

DR McDONALD: Yes, it does. It's also covered through the complaints and disputes resolution policy and also unsatisfactory performance, but child protection is the main umbrella one.

MR FREE: So your office, the Catholic Education Office, operates in a state-wide way?

DR McDONALD: Yes, it does.

MR FREE: Can you explain what its responsibilities are and how it works with the Commission?

DR McDONALD: Mr Free, the office is like the executive arm of Commission. We have an office centrally and also regional offices. Every diocese has a regional office which assists in the administration and the policy deployment through those regions.

MR FREE: Thank you. I just want to drill down into some of the arrangements relating to the reporting of allegations of abuse that arise in schools, in particular,
child sexual abuse. I've referred already to the policy statement 2D/3, and it in turn refers to various legal obligations to report, including under the state Education Act.

DR McDONALD: Yes.

MR FREE: The state Education Act of Western Australia requires that the Director-General of the Department of Education be notified of any critical incident; is that right?

DR McDONALD: The Director-General of the Department of Education Services, yes, correct. Any critical incident that happens in a school under - we have a system agreement with the government, with the minister. That's administered through the Department of Education Services. In that system agreement, there are standards that we have to meet. Standard number 12 is around child protection, and part of that is reporting any critical incidents that happen in our schools - they get sent off to the department.

MR FREE: Is that managed at the school level by the principal or by the office?

DR McDONALD: The school will inform us of the critical incident. It is formatted, filled in at the office, and then I sign every critical incident that is sent off to the director-general.

MR FREE: Can you give an indication to the Commissioners of the capacities in which priests and religious are involved in providing education services in Western Australian schools?

DR McDONALD: We have no principals that are priest or religious in Western Australian schools and we would have very few religious working in Catholic schools in Western Australia at the moment.

MR FREE: You have some?

DR McDONALD: Yes. There is a Servite Brother that works in a school, and then in our offices we will have some religious sisters that work on professional development in the regions.
MR FREE: So in terms of teachers in schools, are there any religious brothers or sisters?

DR McDONALD: For diocesan schools, to the best of my knowledge, no, but I couldn't be definitive around the religious institute schools.

MR FREE: Are you aware of what the reporting arrangements are if an incident occurs involving a priest or a religious at a school?

DR McDONALD: To the best of my knowledge, that's referred to the Professional Standards Office in the archdiocese or diocese, yes.

COMMISSIONER MURRAY: Sorry, Mr Free, could I go back to a previous question. As I understand it, in both religious and secular schools, there's a federally funded system of visiting chaplains?

DR McDONALD: Yes.

COMMISSIONER MURRAY: And they teach religious education, so would it be true that priests and brothers are teaching religious education under that scheme in your schools?

DR McDONALD: Thank you. No, the chaplaincy - most of those chaplains, if not nearly all - or not all - aren't religious. They would be lay chaplains. And we only have a small number of use of that money.

COMMISSIONER MURRAY: So you don't have Catholic priests or religious teaching as chaplains in your schools?

DR McDONALD: If a school has a chaplain that is - the bishop has allowed to have it, they need to ask that bishop can that priest be appointed as a chaplain; if not, the chaplaincy is usually done via the parish priest or the parish that the school is in.

COMMISSIONER MURRAY: Does that mean there are none or there are some?

DR McDONALD: There are some.

COMMISSIONER MURRAY: Thank you.
MR FREE: You have a number of parish schools that are on the grounds of parish churches?

DR McDONALD: Yes, we do.

MR FREE: So there are schools that will share the same grounds as where the priest is living?

DR McDONALD: Yes.

MR FREE: And I think you indicated a moment ago that your understanding of the reporting obligations is that if a complaint arose involving a priest, if I can focus on that example, a diocesan priest, the requirement is that that report goes to the Professional Standards Office of the diocese?

DR McDONALD: And we would also be informed. If it was within a school, then, yes, they would report to us, and also we would refer or they would refer it to the Professional Standards Office.

MR FREE: What role does the Catholic Education Office then have in dealing with that complaint?

DR McDONALD: Other than subject expertise and knowledge, informing what the best practice or approach could be, but if it's with Professional Standards, then it's with Professional Standards. We don't take charge of it.

MR FREE: Do you act as a conduit between the school and the Professional Standards Office?

DR McDONALD: Yes, absolutely. We work for the same employer and we have an MOU of sharing information. The aim is what is the best outcome for the young person involved, irrespective of where the information is coming from. We work very much in sharing, almost like a case management approach, as we work in the office.

MR FREE: But in that scenario, the Catholic Education Office itself doesn't have any investigative role in dealing with a complaint?

DR McDONALD: No.
MR FREE: And no decision-making role?

DR McDONALD: Not officially, but we would be involved in it, yes. So if it was a parish priest, then we would be involved hopefully in the outcome. If it informed or impacted upon the school, then we would do our own - what's the risk to the students in that school, and we would advise accordingly. So, for example, in a recent case we advised strongly that the parish priest be shifted, until an investigation is completed, from their residence, because they were so close to students, and the religious order of priests complied with that and the person was moved, on our advice.

MR FREE: So this is advice you provide to the order, in that instance, which is primarily dealing with the complaint?

DR McDONALD: Yes, correct.

MR FREE: And if it was a diocesan priest, it would be advice you would be giving to the diocesan authorities?

DR McDONALD: And to the bishop.

MR FREE: Thank you. Is that the limit of what the office can do if you perceive that a matter is not being dealt with appropriately by the Professional Standards authorities, that is, to give your input?

DR McDONALD: Or speak directly to the bishop and share our concerns about the process.

THE CHAIR: And if the bishop didn't respond positively to your advice, what would you do?

DR McDONALD: Reassert the advice, go back to the child - that there are children at risk and it's our strongest view that some action needs to be taken.

THE CHAIR: And, again, if the bishop didn't take the advice, what do you do?

DR McDONALD: Your Honour, that hasn't happened as yet, and I'm not too sure.

MR FREE: Is it your experience, Dr McDonald, that the
community comes to you in that scenario to find out what's happening with the complaint?

DR McDONALD: Yes, they do. They come to the school, yes.

MR FREE: And does the school tend to refer them to you, or do you just relay messages back through the school?

DR McDONALD: We would form all communication through the school to the school community, because they know their community best, but we would support them with the communication strategy or plan out there.

MR FREE: Just changing the terms of the hypothetical a little, if you were dealing with a member of a religious order rather than a diocesan priest, would it be the same arrangements as you've been describing, but any representations you would make would be to the provincial?

DR McDONALD: To the congregational leader, yes.

MR FREE: Western Australia has a system of registration of teachers; is that right?

DR McDONALD: Correct.

MR FREE: If a religious brother or sister was a teacher in a school within Western Australia, are they required to have the same registration?

DR McDONALD: Yes, exactly.

MR FREE: Is there a disciplinary system administered by the Western Australian department in relation to that registration that means they undertake their own investigations?

DR McDONALD: Yes, there is, yes, and they can be struck off, or punishments, yes.

MR FREE: Dr McDonald, are you aware of the new body which has been developed by the Church called Catholic Professional Standards?

DR McDONALD: Limited knowledge.

MR FREE: Are you aware of any changes it is going to
introduce, either in terms of your institutional
arrangements or the details of your policies?

DR McDONALD: I'm unsure, Mr Free.

MR FREE: Who employs the principal and the staff of
schools in Western Australia?

DR McDONALD: In their EBA and common deed of principles,
it's the bishop of the diocese who's the employer, and that
authority has been delegated to me for principals, so I'm
responsible for the appointment and the performance review
of principals, and the principal has delegated authority to
employ teachers in their school.

MR FREE: And in religious institute schools, how does the
arrangement work?

DR McDONALD: In EREA or Mercy Education Limited, it will
be through that body that is the employing authority.

MR FREE: Of both principals and teachers?

DR McDONALD: Principal, yes.

MR FREE: What about any other religious institutes, are
there any others that operate in Western Australia?

DR McDONALD: Yes. There would be nine authorities -
there is Mercy Education Limited, there is Edmund Rice
Education Australia, the Servite Fathers, there are the
Oblates, the Mazenod and the Presentation Sisters.

MR FREE: And the arrangement in relation to each of them
is the same as you described for the EREA?

DR McDONALD: Correct, yes.

MR FREE: Thank you, Dr McDonald.

COMMISSIONER FITZGERALD: You mentioned before critical
incidents. If a critical incident occurs in those nine
religious schools, independent schools, are you notified of
it?

DR McDONALD: Yes, they come under our system agreement.
So we have a system agreement with the government, and all
of the schools come under that, because the system
greement is with CECWA, as the governing body, and they
all come under our policies.

COMMISSIONER FITZGERALD: Can I get some sense, and you
may not have the exact numbers, but roughly, what sorts of
numbers of critical incidents would you report on an
annualised basis in rough terms?

DR McDONALD: I don't have the figures. I can get them
for you. To give an idea of that, probably we're
over-reporting in our critical incidents at the moment. We
have a new standard that came in in 2017, and I think that
has more fine-grained and given more details to what
a critical incident is. It could be a student having an
asthma attack, a staff member falling over a bag, up to
very serious things.

COMMISSIONER FITZGERALD: But roughly what number? Do you
have any sort of estimate?

DR McDONALD: I couldn't accurately.

COMMISSIONER FITZGERALD: Those critical incidents include
incidents that relate to sexual abuse, including
child-on-child or child sexual abuse generally?

DR McDONALD: Yes.

COMMISSIONER FITZGERALD: Do you have any understanding of
the sort of magnitude of those sorts of complaints relative
to the total?

DR McDONALD: Not evidence or fact. I could give an
opinion, since I sign them all. Very few.

COMMISSIONER FITZGERALD: But some?

DR McDONALD: Yes.

MR FREE: Dr McDonald, do you have much interaction with
the Catholic Education Offices in other states?

DR McDONALD: Limited, according to need, really, yes.

MR FREE: What need might arise that would cause you to
interact with other offices?
DR McDONALD: If it's not me, it would be directors of the executive on their various areas of expertise, whether it is around professional standards, curriculum, IT; it could be around funding, how do you work with the government, how do you design new schools - a whole range, where we'd look to learn, really, to see what others are doing around Australia.

MR FREE: On the topic of professional standards and reporting, do you have a view on whether there is any need, from your perspective, for greater coordination between offices within the country?

DR McDONALD: I think it would be wonderful if there was a seamless transmission of information and knowledge as an outcome.

MR FREE: Thank you. If you are dealing with a complaint, and say in the scenario I raised with you earlier, or that his Honour raised with you, where there's a view that you've formed within the office that action needs to be taken and a concern might arise that the bishop or the superior is not taking that action, do you investigate the history of the priest or religious?

DR McDONALD: If I just give some background to that, Mr Free, in 2012 when I came into the role, I wanted to understand the reality of what I was taking over, and being a father of five children in Catholic schools at the time, four still in Catholic schools at the moment, I couldn't, hand on heart, say that those children are safe and who are the people that they're working with. So I asked for a review of any file that we had around any harm to a child.

So we reviewed 4,300 files. I mention that because it was very informative to our practice. I think what we learnt from that is that we didn't have - well, we now have aggregated files; we now have a new template for electronic retrieval. We then have worked from the lessons from those files that we work in a case management approach. So when an incident happens, we would bring the people that need to be around the table around the table. So we'd bring our - we have three lawyers working in our community engagement employee services; we bring our psychologists; we would bring our other consultants around and then we would do as
much information as we can around that particular incident, with the view of who's at risk? Is the child safe? What do we need to do in the immediate and then what do we need to do in the investigation?

MR FREE: That system allows you to identify any material that might be in that individual's file, whether it be a teacher or a volunteer or a priest or religious that might have a bearing on any risk they pose?

DR McDONALD: Yes.

JUSTICE COATE: Sorry, the 4,300 files - do they represent students?

DR McDONALD: Sorry, teachers. They were personnel files, HR files, other files that we could get. It took us back 38 years to 1978, and we identified what were the practices, how were complaints dealt with, so that we could come up with what I believe is a more thorough process that clearly puts the child at the centre.

JUSTICE COATE: So the nature of the aggregated data that you spoke of - is that data that broke down various aspects of the staff's history into the nature of incidents that had been reported?

DR McDONALD: Or it gave us what was the file note at the time, what was the telephone, what was - any notes that happened around that particular issue that we could get.

JUSTICE COATE: And with respect to allegations of child sexual abuse, are you able to enlighten us with respect to what you found?

DR McDONALD: Your Honour, we had - about 598 out of those 4,300 files had some case of harm to a child, and, of that, 243, about 40 per cent, were of a sexual nature. Then, at the request of the Royal Commission, we submitted that there were 75 substantiated cases in that data.

MR FREE: Dr McDonald, do I take it from what you're describing that before you undertook this project, that kind of information had not been brought together in files in this way?

DR McDONALD: I think the lesson was that we needed
a central repository of files that needed to have a good
Dewey system, a good retrieval process to do that, and that
enables us now to search, to be far more agile and get
information that we need to make better judgments.

MR FREE: You must have a lot of teachers and others in
the system who have done work interstate?

DR McDONALD: Yes.

MR FREE: What arrangements are there to find out about
relevant information that might be in files in other places
in Australia, outside Western Australia, about either
teachers or priests or religious?

DR McDONALD: I'm unsure that we would go to the other
CEOs and ask about files, but the normal arrangements
around Working With Children Checks, they need police
clearance, any staff member working, so we would go through
our own checks and balances and then also have a look at
any files that we might have, if they worked initially for
us and then left and came back.

MR FREE: So the Working With Children Checks are
mandatory for any teachers that you employ; is that right?

DR McDONALD: That's correct.

MR FREE: And volunteers who are doing work in schools?

DR McDONALD: Yes, and contractors that work in the
schools, yes.

COMMISSIONER MURRAY: And chaplains?

DR McDONALD: Yes.

MR FREE: What about parish priests who are living on
school grounds but not engaged as either a chaplain or
a teacher?

DR McDONALD: If they are living on the grounds, they will
be in the presbytery next to the parish - if there is a
school there it will be a parish school. My understanding
is that all the priests will have a Working With Children
Check.
MR FREE: Thank you, Dr McDonald.

Mr Hill, can I turn to you, please, and ask you some questions to understand how things work in Brisbane. As I understand it, there is a state-wide Catholic Education Commission; is that right?

MR HILL: That is correct.

MR FREE: And that, in a similar way, has worked by a delegation of the bishops of Queensland jointly?

MR HILL: That's right.

MR FREE: And also the leaders of the religious institutes in Queensland?

MR HILL: That's correct.

MR FREE: What's the function of the Commission?

MR HILL: The Queensland Catholic Education Commission is strategic. It's involved with policy making, strategy for all Catholic schools in Queensland. It also disburses funding for Catholic schools in Queensland.

MR FREE: Does it have a policy-making role in relation to the matters we've been focusing on - reporting of complaints and handling of complaints?

MR HILL: Yes, it does, and for five years I chaired a group called the Student Protection Subcommittee, which is a subcommittee of the Commission.

MR FREE: Did it draft policies?

MR HILL: It did, and those policies were resources to assist schools in their own policy making.

MR FREE: Just coming down to the next administrative level, within Queensland there are five different Catholic Education authorities; is that right?

MR HILL: Dioceses, that's correct.

MR FREE: So each diocese has its own Catholic Education Office?
MR HILL: That's right.

MR FREE: Focusing on the Brisbane Catholic Education Office, can you just explain what its function is?

MR HILL: Certainly. Firstly, it's a function of the archdiocese, so it belongs to the Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane, and the delegated authority from the archbishop to the executive director binds Brisbane Catholic Education. That delegated authority then enables the executive director to employ staff and make decisions pertaining to Catholic Education.

MR FREE: So the employment of staff is of both principals and other staff within schools?

MR HILL: That's correct.

MR FREE: There's also a body within Brisbane called the Brisbane Catholic Education Council; is that right?

MR HILL: That's right.

MR FREE: What do they do?

MR HILL: That's established by the Archbishop of Brisbane and they are a governing body to assist the executive director in the leadership, management and operations of the 139 schools in the Archdiocese of Brisbane, and the executive director is an executive officer of that group.

MR FREE: Thank you. Can I ask about the 139 schools. Do you have religious brothers and sisters teaching in those schools?

MR HILL: Not teaching per se. We have one principal who's a religious woman, and we would have approximately a dozen religious women who would be in the role of a school pastoral worker, but not teachers per se.

MR FREE: Are they treated as employees of the office?

MR HILL: Yes, they are, and because they are employees they're covered by the same policies and procedures relating to student protection.
MR FREE: Thank you. So no religious brothers in any roles within the Brisbane Archdiocese?

MR HILL: Not that I'm aware of, but I'll reserve my position on that, if you don't mind, Mr Free. There could be, but I don't think so.

MR FREE: What about diocesan priests, what role, if any, do they play in schools in the Brisbane Archdiocese?

MR HILL: They're not working in schools. They are obviously doing pastoral work in parishes and are an integral role in terms of our parish schools, in particular our 105 primary schools - a very important role in terms of the faith community of those parish schools, and depending on the skills, talents and attributes of that parish priest, will work with that community in a pastoral way.

MR FREE: Is it the same arrangement there, that for those 105 primary schools, the presbytery and the school are in the same place?

MR HILL: Sometimes, is the correct answer. It depends on the living arrangements for the parish priest. The parish priest will reside in the presbytery. It may or may not be necessarily close to the church, but may be in close proximity to the church and the school.

MR FREE: The policies that apply to the schools in the Brisbane Archdiocese in relation to handling complaints of child sexual abuse - are they state-wide policies or at the diocesan level?

MR HILL: The policies are at an archdiocesan level. The legislation that requires us to have those policies, which is quite voluminous, in the state of Queensland there are a number of pieces of legislation that require us to have those policies and procedures, is state-wide.

MR FREE: Thank you.

MR HILL: And, sorry, Mr Free, the Queensland Catholic Education Commission also has template documents that schools can use to assist in the population of those policies.
MR FREE: The policies give effect to state legislation, which requires some reports to be made to the police; is that right?

MR HILL: Yes, that's correct.

MR FREE: What are the criteria that mean you have to report to the police?

MR HILL: Any staff member is required to report any knowledge of sexual abuse or likely sexual abuse.

MR FREE: Does that also prompt a report to the Department of Community Services?

MR HILL: It will, because it's harm done to the child.

MR FREE: What involvement does the Education Office have in that process?

MR HILL: A very critical one. We conduct a team of skilled practitioners, who are our student protection team. There are four members of that team, who will intake calls from principals - or any member of staff, for that matter - and provide advice to those principals and staff. We also facilitate our student protection case management system, which is an enterprise system that records all data pertaining to records of concern involving both sexual abuse, likely sexual abuse and harm and any other incidents that staff are concerned about in relation to their behaviour.

MR FREE: Do you have a file management system of the kind that Dr McDonald described, that has consolidated all the information about those in the archdiocese?

MR HILL: Not exactly what Dr McDonald described, but our student protection case management system is an enterprise system, so it's both a repository as well as a reporting system. It's quite sophisticated, which enables us to provide data to the executive director on a monthly and quarterly basis, that she would then provide to the Council and to the archbishop, providing data around the number of reports and the type of reports that are occurring, particularly to child sexual abuse. So it's slightly different to what Dr McDonald described.
MR FREE: Could I ask the same question about interstate staff. If you've had people in your schools who have worked interstate, are you aware of any resources that would enable you to find out about any relevant information from their past in other states?

MR HILL: Similar to the colleagues in Western Australia, in the state of Queensland we have the Queensland College of Teachers. It's a requirement that any teacher working in Queensland needs to be registered with the College, so we rely on registration with the College. In addition to that, we train our principals, as recruiters of teachers in our schools, to be very prudent in terms of checking registration. If they're not a teacher, that they have a Working With Children Blue Card and, in addition to that, pay particular attention to referee checking and the most current and recent line manager for that particular teacher.

MR FREE: I understand that part of the reporting regime is that if a complaint does relate to a teacher, the principal is obliged to notify the College of Teachers; is that right?

MR HILL: We do that on behalf of the principal. So we have a requirement, I think, under section 76 of the Education (Queensland College of Teachers) Act, that requires us, as soon as we have knowledge of a matter involving students in child protection, to report that matter to the College, that's correct.

MR FREE: Now, does the Brisbane Catholic Education Office have an investigative role in dealing with complaints?

MR HILL: Yes, we do.

MR FREE: When do you undertake the investigations?

MR HILL: Could I just check, do you mean in relation to student protection matters?

MR FREE: Yes. Sorry, yes.

MR HILL: When we become aware of that matter. So there may be - it depends on the type of complaint. If we have knowledge of that, we would respond in a number of ways. The first would be very swiftly to make an assessment of
the situation, to do a factual report of what has occurred in relation to that particular complaint and the severity of the complaint.

If it was a very severe complaint involving any member of staff, that staff member would be immediately stood down and pending a particular investigation.

If it involved less severe complaints, then that investigation might occur with one of the staff from the Brisbane Catholic Education Office, and they would again gather information to assist us in resolving that complaint and bringing it to conclusion.

If it was an ongoing matter that required more expertise, we might recruit an external investigator with appropriate qualifications - generally speaking an investigator we would recruit would have as a minimum qualification a Certificate IV in Investigations.

MR FREE: If the matter is under investigation by police, do the two investigations go on side by side?

MR HILL: No, they do not. One of the things that we are very pleased to have is a good and healthy relationship both with the Queensland Police Service and the Department of Communities, and we work very closely with both of those agencies. There is no way that we would contaminate a police investigation while it was occurring and we would wait for any matter involving the police to conclude before we would commence any of our own investigations.

JUSTICE COATE: So what delineates the difference between when the investigation is conducted inside your office as opposed to being reported directly to the police?

MR HILL: Your Honour, where it doesn't meet the threshold for reporting according to the provisions that exist in the Education (General Provisions) Act or the Child Protection Act.

JUSTICE COATE: Are your teachers and principals instructed to report to the Catholic Education Office as well as directly to police with respect to their reporting responsibilities?

MR HILL: That is correct, and so if I could respond,
first and foremost, when a record of concern is completed by a principal in relation to a student, that record is sent electronically to the Queensland Police Service, and the principal will then telephone the Queensland Police Service to ensure they've received that report and follow it up, and then we would act on behalf of that principal in terms of following up those matters with the police as well.

MR FREE: Can I ask you, Mr Hill, to consider a scenario where there is a complaint involving a - let's deal firstly with a diocesan priest, and assume it doesn't reach the threshold of a police report or the police say they've looked at it and they're not going to investigate further. How is a complaint of that kind processed?

MR HILL: That complaint may come to either myself or the executive director. The executive director or myself would then work with either the vicar general or the archbishop directly, and also include the Queensland Office of Professional Standards in relation to the management of that complaint.

MR FREE: Would the Catholic Education Office's investigative process apply in that scenario?

MR HILL: No.

MR FREE: So that would be left to the Professional Standards of the archdiocese?

MR HILL: That's correct, if it involved a diocesan priest, yes.

MR FREE: And consider the scenario involving a member of a religious order. Is it essentially the same, there would be a reference to the Professional Standards Office?

MR HILL: Not if they weren't working for us. If they were working for Brisbane Catholic Education, they would come under the same standards and policies and legislation that all of our staff are covered by.

MR FREE: So there would be an investigation conducted by your office in that scenario?

MR HILL: If they were working for us, that's correct.
MR FREE: Would the head of that congregation or that religious institute have some involvement also in handling that complaint?

MR HILL: They would be advised of that complaint by the executive director.

MR FREE: So would you expect them, in that scenario, to also conduct their own investigation or would that be left to the office, to your office?

MR HILL: As an employee, that would be left to our office, but I'm unable to comment if they would conduct their own investigations after that.

MR FREE: Again, a further aspect of the scenario I was putting to Dr McDonald earlier and his Honour was asking some questions about: if you had a scenario where the matter was being dealt with by the Professional Standards Office within the archdiocese, say you're dealing with a diocesan priest, if you had concerns about steps that needed to be taken in relation to the priest that weren't being taken, what options are available to you?

MR HILL: It would depend on the actual nature of the complaint. If it was significant and involving the welfare of a student, I'd have no hesitation in reporting that priest directly to the police. Again, it would depend on the matter.

In addition to that, I would continue to work with both the executive director and also the vicar general and the archbishop in the management of that matter, in addition to the Queensland Professional Standards Office.

MR FREE: Thank you, Mr Hill.

Mr Elder, can I turn to you, please, and just try to understand the position in Victoria and Melbourne. Now, dealing with the delegations there, as I understand it, the Executive Director of Catholic Education in Melbourne has delegated authority for planning of Catholic Education; is that right?

MR ELDER: Correct.
MR FREE: How does that work as between the different dioceses in Victoria?

MR ELDER: So the other diocesan directors have the same remit from their bishop.

MR FREE: You also have a state-wide Commission; is that right?

MR ELDER: Correct.

MR FREE: So that's a joint delegation of the bishops of each diocese and the archbishop?

MR ELDER: Correct, correct.

MR FREE: Is the Commission's function in Victoria equivalent to what you've heard described in Western Australia and Queensland?

MR ELDER: Yes, so around policy, strategy, funding and compliance.

MR FREE: So it generates policies, including in relation to professional standards and reporting?

MR ELDER: Correct.

MR FREE: Are they then automatically applied by the individual diocesan offices or is it a matter of adaptation?

MR ELDER: It's a matter of adaptation, but in most instances they're applied as exist by agreement between the directors.

MR FREE: In Victoria, you've also had a recent development in the form of child-safe standards being required by the Victorian Government.

MR ELDER: Correct, Ministerial Order 870.

MR FREE: And they came into effect on 1 January this year?

MR ELDER: Correct, Mr Free.
MR FREE: Can you describe for us what changes, if any, were needed to your policies and complaint handling processes in Melbourne, in the Archdiocese of Melbourne, to comply with Ministerial Order 870?

MR ELDER: Yes. The advantage that Victoria has had is that we had the parliamentary inquiry, which raised the issue of child sexual abuse. We foreshadowed that there would be a number of recommendations coming out of that inquiry, and then, of course strategically, planned because the Royal Commission also was being established.

So I got together early on, when the state parliamentary inquiry was being undertaken, to get my staff to look at everything that was in place in Melbourne and across Victoria to ensure that we were ahead, because we couldn't wait, to ensure that we had some of the best child-safe standards that existed.

So that's on the basis of how we moved forward from that point.

MR FREE: In that process, did you identify any particular gaps that needed to be filled?

MR ELDER: There have been a lot of learnings. Part of the learnings that have come out of the Royal Commission engaged us to ensure that we looked at all of the past cases and tried to look at the failings that were undertaken there and to correct procedures both within the office and at a school level that would ensure that some of the mistakes of the past did not continue into the future.

So that made us look at our structure, so I set up the office of investigation, ethics and professional standards. I looked at the failings that happened in previous cases whereby the institution was sending out, for example, a teacher to investigate a teacher, who had no grounding in law, who had no capacity to gather information that would assist, and I determined that we needed someone more professional in that role. So the last two officers I've had in this role have been senior police, who were picked up from Federal and Victorian police, because they have the necessary skill set that is required in this office to gather information and understand the law, and also because they have the capacity to engage more closely with people like the Sano task force and others. So they were
learnings: don't send someone who is ill-equipped to investigate a complaint, who hasn't got the skill set that enables them to undertake that.

So they're the sorts of things. That person reports directly to me, so there is little chance of them having engagement with other people in the office that may want to influence them. I've established it within our office in a separate area that is away from other staff. Just all those sorts of learnings, Mr Free.

MR FREE: What about reporting arrangements?

MR ELDER: In Victoria, the Victorian state government has effectively, I suspect, moved ahead of other states, where they've made changes to the Crimes Act 1958, where now there are sanctions against individuals who fail to protect, who fail to disclose and in respect to grooming.

So anyone in Victoria, regardless of whether you are a nurse or a teacher or whatever, anyone above 18 years of age has obligations under the amendments to that Act to report.

So our teachers are quite clear, through the professional development - on an annual basis they do an online module that takes about an hour and a half that basically goes through the requirements and their obligations under the law and tells them of what sanctions there are.

In the first instance, they don't report to me. Their obligation is to report to police.

MR FREE: As I understand it, the obligation under Victorian law is that if it's a child sexual abuse concern, the obligation is to report to police?

MR ELDER: Correct.

MR FREE: But if it's a concern about risk of harm not in relation to child sexual abuse, that's an obligation only to report to the Department of Human Services?

MR ELDER: Correct.

MR FREE: You've mentioned that as being the first
obligation of teachers and other people in schools. Do they also have an obligation to report it to your office?

MR ELDER: They do.

MR FREE: What’s the role of the office, then, in dealing with a complaint?

MR ELDER: So the role of the office is, first, to establish whether it’s being investigated by the police. In some instances, the police have been slow to respond to complaints because of workload, et cetera. So then we would give advice to the school, where there is a suspicion, to step the teacher down on pay until the police engage fully in the investigation.

Also, I mean, you may have instances where someone - for example, grooming; there has been no test case around grooming. Whilst we give professional development around what grooming looks like, they may want to talk to some professional in my office to determine whether or not they think what’s going on within the school is grooming. We have the professional officers to support people as they go through that process.

MR FREE: And that’s for the purpose of helping inform that person about whether the legal obligation to report has arisen?

MR ELDER: Yes.

MR FREE: If it doesn't arise, because the view is formed that there is a complaint about some conduct but it doesn't reach the level of criminal, with the obligation to report to the police, but it's otherwise of concern, does your office have any investigative role in dealing with that complaint?

MR ELDER: Correct. So the emphasis on the Catholic Education Commission in Victoria and the Catholic Education Offices - as you know, we do not employ directly the teachers. They are employed by the parish priest and/or the congregations and/or the canonical authorities. Sorry?

MR FREE: Go on, please.

MR ELDER: Sorry, I've lost my train of thought.
MR FREE: I was asking you about what investigations your office would undertake in dealing with a complaint in a scenario where it's not considered to be reportable to the police?

MR ELDER: Yes, okay, so I would then - if an office determined that, on the face of it, they needed to investigate, they would seek my advice and - well, actually, not seek my advice. They have an automatic remit to investigate. I have a right to also instruct them to investigate, because we have a no tolerance level within Catholic Education in Victoria.

So there may be a lower standard. If our view is that - and we have terminated the employment of people. There was a well-known case last year where I engaged with a school and we terminated a teacher who we thought had groomed a student, because they had entered into a sexual relationship only a matter of weeks after the end of the school year. We sacked that person. That person then appealed that decision to VCAT and we had to pay them a considerable amount of money as a result of our termination of that employment.

I spoke to the minister about fixing the Act to ensure that that didn't happen into the future, and it has now been picked up in the changes to the Crimes Act through grooming.

MR FREE: So the scenario you've described where your office can undertake investigations and then recommend action - and I'll come in a moment, if I can, to the question of how you do that through the school and the principal, but in that scenario - would that also be the case where the police have investigated a matter and decided not to proceed?

MR ELDER: Correct. We have other obligations. You need to understand the accountability framework. We're looking here at things in isolation.

In Victoria, like in other states, we have the Victorian institute of teaching, which is a regulatory body around teachers being licensed. We also have the Victorian Registration and Qualifications Authority that actually licences schools to operate. And within that sits a very
tight framework around what are the requirements of the
school that it has to meet in respect to its registration
to operate a school.

Over and above that, we have funding agreements which
also put implications on Catholic Education Commissions and
schools to meet their obligations under that funding
agreement, and part of that is all legislation. There is
the Australian Charities and Not-for-profits Commission
that also puts - so you can't look at it in isolation. You
actually need to look at the total framework that exists in
respect to compliance for Catholic and independent schools
and state schools as they exist in Victoria.

COMMISSIONER MURRAY: Is there a difference in the way you
handle child-on-child sexual abuse allegations?

MR ELDER: We report those to police as well. Let me tell
you, the police are not adept at handling some of those
cases. They need to establish better protocols. We had,
I think, just off the top of my head, allegations made
against two seven-year-old boys, that they interfered with
a seven-year-old girl in their same class. The police put
out a press statement saying that this abuse had taken
place.

It caused pandemonium within the school - we reported
it immediately to the police. Half the students didn't
turn up the next day. The parents held them back. The
principal was threatened for allowing it to happen within
the school. And after the police investigated, they
determined that it had not taken place, but we did refer it
to the police in the first instance. But there's a whole
lot of protocols that exist around that which are learnings
for the way police handle it through their media department
and report it. It went on the Channel 7 news I think as
a lead story and could have had the impact of severely
impacting on these two young boys and the girl.

JUSTICE COATE: What process inside the school do you have
for dealing with that, putting to one side the issue about
the age of criminal responsibility? So if you have
seven-year-olds, they don't have criminal responsibility,
so what process is there in the school?

MR ELDER: So you're talking in respect to curriculum
materials that we use within the school, are you talking
about how we engage with the parents - just to get some clarity, your Honour?

JUSTICE COATE: Let's start with the parents.

MR ELDER: Okay. The protocols that have been set down by the Victorian state government, which I think basically mirror the 10 elements that you put down in your paper on 10 July - and I got my people to look at that very good paper that the Royal Commission put down to determine whether or not the seven protocols as enunciated under Ministerial Order 870 matched, and the advice back from my staff was that they absolutely do.

So part of those protocols is around the engagement with parents. So it's quite clear that that is designed to pick up an engagement with a child, an engagement with a parent, an engagement with the school and the school community as part of the protocols - that is what they capture.

JUSTICE COATE: And I assume incorporated into that engagement is also engagement with experts who are able to assist and guide in that situation?

MR ELDER: Yes, absolutely. I have, in each of our schools, all primary and secondary, funded centrally a student wellbeing person who has expertise in this particular area, and that's centrally funded, so they are able to, because of their expertise, engage psychs and others to come in and support the school.

Our professional development has also looked at bringing professionals in at that macro level to engage. Professor Stephen Smallbone and others have come in, but also we've developed a whole lot of other material that exists below that which we use at the school level.

COMMISSIONER FITZGERALD: In Victoria, given that you have different diocesan CEOs, is there a consistent approach to dealing with the issues that her Honour has just raised with you? Is there a centralised advice service to all of the dioceses across Victoria, or is there the possibility that you have some inconsistent approaches across the various dioceses?

MR ELDER: Okay, so at the macro level there is
a consistent approach because we've set up, right back when
the Royal Commission was established, a working party
across all dioceses, which sits under the Catholic
Education Commission of Victoria.

Where the nuances existed, I determined to employ
police to undertake investigations; they may employ
a lawyer or someone else. So they're the different
nuances. In the main, they are absolutely consistent.
Operationally there may be nuances that don't undermine the
policy.

MR FREE: Could I just ask, on that topic, firstly,
Dr McDonald, what arrangements are in place in the
Western Australian office to deal with the particular issue
of child-on-child incidents?

DR McDONALD: Thank you. Particularly the historical -
in 2016, one of the lessons out of the Royal Commission
was, what is our child-safe framework? What's our approach
to ensuring that our schools are child-safe? After
reviewing the files in 2012, we employed a child safety
person to run the project, and throughout 2016 we developed
a child safety framework for CatholicCare Western
Australia, and obviously used the July document, Creating
Child Safe Institutions.

Similar to Victoria, we've mapped those to our
document to make sure that we've covered all the elements,
and really the work now for 2017 is embedding that right
across the whole state.

I think the challenge, Mr Free, is that this is
a cultural shift. This is a changing in culture. It's
more around professional behaviours and healthy
relationships more so than looking at intent and labelling.

To that end, we've developed a code of conduct that is
required under our system agreement, but we've gone beyond
the compliance to have a look - and again Stephen mentioned
Professor Smallbone - using the evidence there. Our code
of conduct, which is around healthy behaviours, is for the
whole school community, so that's parents, teachers and
students. We would like our students to see modelled in
the school healthy relationships and also to understand
what a healthy relationship is so that they can also have
healthy relationships with each other and also post school.
So there's a professional learning element in the child-safe framework, and part of that is, again, coming out of that review of files, we have a number of cases that were in Western Australia and also cases out of the Royal Commission. We have recognised - and it's an assumption - that the teacher's world is in the classroom. Their understanding of what they do and how they learn is classroom based. So what we've tried to do, rather than, yes, there's a theoretical component, yes, there's understanding around child protection, we need the knowledge base, but we have developed a simulator, which is a classroom that has a number of posts or elements of our cases. All our early career teachers in the first three years go through the simulator, and then also people in our leadership programs go through the simulator, so that there are discussion points. It could be: all the windows are covered with artwork, it looks wonderful but might not be the safest.

There are also some of the excerpts from what we had out of the Royal Commission - we'll have a Bible open, because none of those things will happen here. So we'd use that as a conversation piece around it. So we try to make it as practical as possible, but evidence based on our scenarios. So we try to build the capacity from the ground up of all staff, as well as our leaders.

MR FREE: Just to clarify, if you had an incident in one of the schools in Western Australia involving a complaint of a child engaging in sexual abuse of another child, is that something that your office would become involved in?

DR McDONALD: Yes, and link up with the Child Protection and Family Support, CPFS, and also the police.

MR FREE: Mr Hill, can you tell us a little about what arrangements would apply in Brisbane in relation to child-on-child incidents?

MR HILL: Mr Free, if I could preface my comments by saying that we have students in our schools that range from the age of about 5 to 18 years. First and foremost, if a student is 18 years of age, in one of our colleges, they are still treated as a student and so the usual protocols would apply.
The other thing worth mentioning is that we've done a great deal of training with our staff, so there is online training that all of our staff would undergo. It's about a two-hour online module. There's additional training that we would do with our principals beyond that. Then we also have student protection contacts in each of our schools.

So when it comes to a student-to-student related matter, one of the things we've tried to do as part of that training is introduce a traffic light system, essentially, green being it's healthy and part of the normal, natural development of a child at a particular journey of life; amber being of some concerns - there might be some flags there; and red being very serious and there needs to be taken immediate action.

In addition to that, we've introduced the Daniel Morcombe Child Safety Curriculum to assist teachers with the management of these issues, in terms of talking about these things, in terms of protective behaviours, with their students.

We have guidance counsellors in each of our schools and colleges to assist both staff and the students with discussing these types of matters.

We're also running at the moment a sexuality project and a student voice project.

MR FREE: If an incident did arise of this kind, is that something that your office would become involved in in responding to?

MR HILL: Yes, it is.

MR FREE: Mr Crowley, can you tell us what arrangements apply at your school and in the Ballarat Diocese in relation to child-on-child incidents?

MR CROWLEY: Certainly it would involve close contact with parents, so having conversations with parents, bringing them in, having a chat with them, with our child support wellbeing team, and also linking those conversations directly in with the police, so bringing the police into the conversation, getting advice on how we should approach it with parents.
Following that advice - they would perhaps give us a direction in terms of additional conversations that we need to follow up with parents with, but we would certainly - our first port of call would be the parent and then the police as part of that conversation that involves a number of voices there to give that expertise.

MR FREE: Would you involve the Catholic Education Office from Ballarat?

MR CROWLEY: Yes, we would let them know.

MR FREE: Would you expect them to then take an active role or leave it to you?

MR CROWLEY: No. They would be aware of it, but they would be updated on how that was going, but they would be leaving that to the school to work through in conjunction with the police and with the parents.

MR FREE: Mr Elder, can I come back to you. You were talking a little earlier about a particular scenario in which you concluded a teacher ought to be dismissed. Now, we'll deal with this topic in a little more detail later, but the arrangement is that the employer of that teacher would have been the parish priest; is that right?

MR ELDER: No, the employer at that time I think was one of our secondary colleges, because it was a girl who had completed her VCE and the engagement with the teacher commenced shortly after that.

MR FREE: Does that then mean the decision lies with - who was the responsible canonical authority for that college?

MR ELDER: I'm just trying to think which school it was. I think it was one that had some canonical administrators.

MR FREE: So the authority lies with them; is that right?

MR ELDER: You need to understand we have a top-down approach in Victoria. The state government has a compliance framework that ranges from registration, ministerial orders, MOUs, or whatever, and so the school's power is limited, in that if I spoke to them and said, "This person should be terminated" - I mean, let me tell you, they made that determination, which I supported - and
they did not, then I have the power to take it externally to the Victorian Registration and Qualifications Authority as part of our compliance regime with them for the licensing of our schools.

The determination would then be made by them as to whether or not there was just cause to instruct the school to do it and/or they may lose their licence.

MR FREE: So the effective authority that that body has is control over the registration of the teacher; is that right?

MR ELDER: Correct.

MR FREE: The employment relationship, power to terminate, is with the canonical administrators in that scenario?

MR ELDER: Correct.

MR FREE: So it's really a lever that one can use to help persuade them that they should terminate the employment?

MR ELDER: Correct. It is a strong power, because it is taking it outside the Church to an independent state government body, where they have a compliance back to them through the Commission.

MR FREE: When you talked before about frameworks of accountability, is it part of your remit in the office to ensure that the schools continue to comply with funding conditions, for instance?

MR ELDER: Well, it's not only funding. I mean, this is something that seems to somewhat be missed when we're looking at governance and accountability frameworks. It's not just about finance. The Victorian Registration and Qualifications Authority - they have to undertake an annual review.

The annual review is not only against finance, but the annual review is also against a whole lot of other things, of which one is compliance against child-safe standards. So it's almost a double-checking.

COMMISSIONER MURRAY: Is that an audit or a desktop review?
MR ELDER: Okay --

COMMISSIONER MURRAY: And I ask the question deliberately because Queensland, we discovered, had a system of ticking boxes, you might say, rather than actually affirming the quality of what was happening.

MR ELDER: It's a good point, and you're absolutely on the money. The VRQA does a random audit where they undertake an external audit of 10 per cent of all schools. My office, as part of our accountability framework, undertakes an audit of 25 per cent of our schools. So schools actually understand that it will be a fair chance that either the VRQA - Victorian Registration and Qualifications Authority - will undertake an audit against the standards and/or the Catholic Education Office Melbourne will undertake that audit on behalf of the Commission. So it's a good point. So there's a probability of 35 per cent of schools being audited annually.

And it's even deeper than that. Our principals, as John will probably tell you, have to sign a statutory declaration that their school meets those standards on an annual basis. So the bar has gone from there to effectively there (indicating) as a result of the community's understanding through the Royal Commission and the state parliamentary inquiry that the accountability framework is now quite strong and the bar has been lifted significantly.

MR FREE: What's the position in the Archdiocese of Melbourne in terms of priests and religious in schools? Are they used as teachers or in any other capacity?

MR ELDER: I don't know of any priests that are used as teachers, so I can't categorically say, but my view is that I don't think there would be any, in the sense that they may come into the school and engage on a not-for-payment basis in respect to preparation for sacraments.

But, again, it's not like historically had happened where father would ring up and say, "Send them over to the presbytery." Our teachers understand their duty of care, that at all times the students - whether it be a priest, whether it be a volunteer, whether it be a parent who's coming into the school, that the duty of care rests with
the teacher and that line of sight is always what is prominent in that external engagement.

MR FREE: And what about religious in the schools?

MR ELDER: Relatively few, but I think - I'll confirm this - I think we have two religious principals within our schools, but the religious fundamentally are looking more at a governance role now rather than an active engagement. I have the statistics on how many nuns and brothers are teaching directly in our schools, which I'm happy to provide to you.

THE CHAIR: Mr Elder, you know, of course, that we looked at the Searson problem?

MR ELDER: Yes, your Honour.

THE CHAIR: No doubt you've looked at it, too?

MR ELDER: To get the learnings, absolutely.

THE CHAIR: One of the fundamental learnings there was that your office didn't have the authority, effectively, in practice as against the parish priest?

MR ELDER: So do you want to engage in a discussion?

THE CHAIR: We'll probably come back to it after the adjournment, but it's a real issue, isn't it?

MR ELDER: Your Honour, what happened then is not identical to what the position is at the moment. And this is another point, that not always does child abuse become evident in the first instance. One of the things that happened at Doveton, from my recollection, is that it had started off as an industrial issue. That is, the principal and the parish priest were at loggerheads over a whole lot of things, and so it then transpired, further to that, when they started the investigation, that there was more to it than just the industrial matter - that is, the engagement between the principal and the parish priest around expenditure of money, et cetera, et cetera.

Where the Catholic Education Office failed - and I say this because we're looking at a different time, but they sent out a teacher who, as I said, did not have the
necessary skills to investigate, did not understand the legal position. But there was still a moral obligation on the people in that school to report if they believed that a child was being sexually abused.

But the office's greatest mistake, in hindsight - and it's always better with hindsight - is that the person they sent out to investigate - teacher investigating teacher doesn't cut it today. You actually need someone with a higher skill set than that person to undertake that role.

THE CHAIR: Mr Elder, I think that probably misses the real issue, which was the parish priest, being the employer, had the power over the employees in the school, and, as a consequence, the process of reporting and disciplining and dealing with the problem was compromised. That was the real issue.

MR ELDER: The issue that you're saying is that there was an unfair balance of power.

THE CHAIR: Not an unfair balance of power. The teachers, the education component of the diocese, didn't control the school as against the parish priest. That was the ultimate problem. But perhaps we should come back to it after the adjournment.

MR ELDER: It would be good to have that discussion, your Honour.

THE CHAIR: We'll take the adjournment.

SHORT ADJOURNMENT

MR FREE: Mr Elder, there was something you wanted to clarify about some evidence you gave before morning tea?

MR ELDER: Yes. Thank you, Mr Free. I said that I thought there were two religious principals in our schools in Melbourne. I have checked that during the break, and we have six.

MR FREE: Thank you. Just for your benefit, Mr Elder, I'll come back to the topic that you and his Honour were discussing just before morning tea about the situation with the parish priest and a principal. You can rest assured I'll come back to that issue. I just want to close off
a couple of other issues.

Firstly, I asked you before morning tea about the investigations that the Catholic Education Office might get involved in and the circumstances in which it does. Is it your experience that the community expectation on the part of those who have made complaints and parents and others in the school community - that they tend to turn to the CEO when they want to know what's happening with a complaint and they expect you to be the ones handling it?

MR ELDER: There are multiple ways that complaints come. They can, as they do, exercise their right to go to their local member of parliament if they want to exercise a complaint about something in respect to a whole multitude of things; they can go to the Victorian Registration and Qualifications Authority, who has the right to handle complaints as an independent body; they can come to the Catholic Education Commission of Victoria or the Catholic Education Office Melbourne, or any of the other diocesan offices. So there are multiple points of raising complaints.

MR FREE: The Authority, when you say it has the right to handle complaints - this is the Victorian Registration and Qualifications Authority?

MR ELDER: Correct.

MR FREE: Do they have the capacity to investigate complaints themselves?

MR ELDER: Yes, they do. They have an MOU with us. In the first instance, depending on how they, I suspect, rate the complaint, they can ask my office to investigate it, but whoever makes the complaint has the right to determine whether or not they want my office to investigate it or they want the Victorian Registration and Qualifications Authority to investigate it themselves. And I think in one case out of multiple, they've asked the VRQA to investigate.

MR FREE: And is that the position if a complaint starts with the CEO or if it starts with the Authority - in both cases, the complainant has the right to elect?

MR ELDER: Sorry, give that to me again?
MR FREE: I'll take it one step at a time. If a complainant chooses, in the first instance, to make a complaint to the Catholic Education Office rather than the Authority, can the complainant choose whether your body investigates it or the Authority?

MR ELDER: Yes, they can.

MR FREE: And the same applies if they make a complaint to the Authority?

MR ELDER: Correct.

MR FREE: Do you have a view about which is more appropriate, in the situation where a complaint is made either directly to the Catholic Education Office or comes to the office through the school? Do you have a view about whether it's more appropriate for your office to be investigating it or the Authority?

MR ELDER: Well, it depends what the complaint is. If the complaint is that Johnny is being bullied at the school, that is something that probably best gets investigated at the office level.

If it is of a higher magnitude, and that is where the complaint is that the principal is misappropriating money, it may well be that the best place for that is with the Victorian Registration and Qualifications Authority. So what I'm saying is it depends on the magnitude of the complaint and the risk.

MR FREE: If the complaint was in relation to the behaviour of a parish priest who is not a teacher or formally involved in the school, although they'll be the employer, as we've mentioned, but their only involvement in the school might be that they're part of the school grounds or live nearby and have some interaction - if the complaint is against that parish priest, is that a complaint that can be made to the authority?

MR ELDER: If it's in respect to the school, yes.

MR FREE: Would being on school grounds be sufficient to make it a complaint in respect of the school?
MR ELDER: There has to be an action. If the priest is the owner and operator of the school and is on the school grounds and has all the necessary mandated requirements to be there, such as a Working With Children Check, et cetera, et cetera, then they are entitled to be on the school site.

THE CHAIR: That will be the conventional position, won't it?

MR ELDER: Correct, correct. If it is in respect to danger to the child, then the responsibility rests with the individual teacher, the duty of care rests with them. As I've said earlier, we have contractors coming on to school sites, the parish priest may come on to the school sites, we have parents who come on to the school sites, we have volunteers who come on to the school sites. The bottom line is that the duty of care rests with the teacher, and any engagement, whether they're parents doing reading recovery with the students or whatever, it's within the classroom and within sight of the teacher.

THE CHAIR: The difficulty is that the relationship between the teacher and the parish priest is one of employer and employee. What you are now identifying is the relationship between the teacher and a volunteer or someone who is there with the permission of the teacher. There's a real difference, isn't there?

MR ELDER: In part there could be, your Honour, yes.

THE CHAIR: In part?

MR ELDER: Yes.

THE CHAIR: There's a real difference?

MR ELDER: Yes. If it goes to the duty of care of the child, and if that's the point that we're trying to get to here, it doesn't matter if it's the parish priest or whoever - and volunteers come into our schools; parents have a right to come into our schools as well - if it's about the duty of care of the child, that rests with the teacher. So the priest has no more entitlement in respect to that child than someone who comes in as a volunteer or whatever.

THE CHAIR: No, but the teacher lives with the prospect
that if the priest doesn't like what they're doing, the
priest can sack them.

MR ELDER: No, because we have Fair Work Australia, so --

THE CHAIR: Subject to all the industrial controls, the
priest remains the employer; correct?

MR ELDER: Correct, but at the same time, the teacher has
rights under legislation in this country to take that
matter to Fair Work Australia, as the teacher did who we
sacked, who took it to VCAT and got a payout.

MR FREE: You're not concerned, Mr Elder, that in that
scenario, because of the employer/employee relationship, it
might bear on the employee's choice in the first place: do
I make an issue about this and raise a complaint?

MR ELDER: So the whole point that you're making gets to
the point of governance. Let me tell you, across education
in this country there are different governance models.
Across every state in Australia, there are different
governance models. Across long day care centres in
Australia, in the nought to five vulnerable age group,
there are different models of governance.

My view about governance is fundamentally about the
standards, the governance standards that are in place. And
this top-down approach is where government says, "These are
the standards that you must adhere to", and so let me say
to you that the government of Victoria has all these
standards that it applies to our schools. It tells us what
curriculum we must teach in respect to VCE. It tells us
what we must do in respect to child-safe standards. It
tells us how many days off a year we can have on holidays.
The list goes on and on and on, and this is the compliance
regime that exists when you accept money from government
about the way you govern and conduct your schools. So the
governance standards are the anchor point.

JUSTICE COATE: Do you think that's a good thing,
Mr Elder?

MR ELDER: Absolutely.

MR FREE: Mr Elder, can I ask you just to focus on your
governance model --
COMMISSIONER MURRAY: Sorry, before you move on. The issue with a parish priest being an employer goes quite significantly to the issue of competence and ability.

MR ELDER: Yes.

COMMISSIONER MURRAY: The parish priest might well be a fine person, but in both secular and religious schools, they are employed by professionals in the education sector and there is a body of knowledge and experience, and that's exhibited in the Catholic Education Offices, which is highly informed in the educational sense. For a priest, without that background and training, to effectively be the employer in a school strikes me as somewhat antiquated.

MR ELDER: Yes, it's a good point that you raise. So in Australia, I suppose we have a mixed bag. We have a whole lot of priests, who have an undergraduate degree, which basically says they're relatively bright people who have received an undergraduate degree at university standard expectations. There are some, prior to that, who are much older priests, who didn't have that - who haven't got that. But in the main, most priests who were trained after, I suspect - I don't know, I think about 1975, have an undergraduate degree. So that basically goes to the point that they are people who have a reasonable intelligence because they've been able to get that degree.

The other point that I would make is that the parish priest is advised by his principal, vice-principal and the leadership team within the school, and they have a lot of competence in the space of education.

If you look at the state Department of Education, and the employer there is, I suspect, the secretary of the department, the last three secretaries of the state Department of Education - one was an economist, one was a mechanical engineer and the other one I think, the current one, I think, is a social worker. To say that they are, as the employer of teachers in state schools, incompetent I think would be drawing a long bow.

My view is that principals are supported - sorry, priests are supported in their role in governance of their school by the education professionals who are employed.
THE CHAIR: Mr Elder, the problem is when they don't get on, when they don't perform as they should. That's the problem.

MR ELDER: Who doesn't perform as they should?

THE CHAIR: Either the priest or the teacher. I have to say, you're not addressing the issue that the Searson problem threw up.

MR ELDER: Your Honour, I'm looking forward to you bringing down your report on Doveton in coming weeks. I think - and I am looking to the learnings that you bring forward in respect to Doveton.

What I would say to you is that things have changed, and the things that have changed are, again, all the dynamics that impact on the governance of a school. We now have mandatory reporting. We have changes to the Crimes Act. We have more informed - well, we have joint protocols about child-safe standards. We have school licensing by the state. We have teacher registration. We have student wellbeing officers in every school. We have Fair Work Australia if people are being threatened for their job, which they can appeal to and get compensated.

On top of that, I mean, in my own office, we've restructured our own offices to ensure that we have people who are qualified to go out and do investigations. But on top of that, there is a major cultural shift as well, and the cultural shift is that back in the Doveton days, father was held on a pedestal. The understanding today, because of everything that has happened, is that father has the same failings as any other human being and so there is more accountability around the way they go in governing their schools. So there has been this major cultural shift from what happened with Doveton to now.

I think governments and yourselves have recognised this - and this is why you have put out your papers, which I think have been fantastic, because it has basically held people to account, like myself, against standards and to look at the way we go about business in Catholic Education. Governance is what it is. There are multiple governance options across this country.

The real thing that holds people to account is the
standards, and the strongest standards are the standards that are imposed by an external authority, such as state governments, who then actually hold you accountable against those standards.

THE CHAIR: Gentlemen from the other states, is there any other state in Australia where the parish priest is the employer?

DR McDONALD: Not in Western Australia, your Honour.

THE CHAIR: Queensland?

MR HILL: Not that I'm aware of, your Honour.

THE CHAIR: Do we know of any other state where the parish priest is the employer? Mr Elder, do you know of any other?

MR ELDER: I know of different governance models across education, your Honour.

THE CHAIR: Do you know of any other state in which the parish priest is the employer?

MR ELDER: No.

MR FREE: Mr Elder, can I perhaps focus on your governance model by asking you to consider this scenario. You're a teacher in a parish school in the Archdiocese of Melbourne in the playground before school and you see a distressed child coming out of the presbytery. You have concerns about what has gone on and whether the priest might have engaged in misconduct.

Now, one of the concerns which has been raised about having the dynamic of the priest being the employer of that teacher is that it might make the teacher feel inhibited about making a complaint. Is the effect of what you're saying that the teacher draws sufficient comfort from things like their industrial rights that they'll be not inhibited?

MR ELDER: There are far more protections now than historically looking back at Doveton. The onus is on the teacher. The changes to the Crimes Act 1958 say failure to protect, failure to disclose and grooming now come into
play. There is no ambiguity around this. No ambiguity. And that teacher is held personally responsible for their failure to comply with the law of Victoria.

MR FREE: Mr Elder, one of the other criticisms which has been expressed of the arrangement of having the parish priest have those responsibilities is that it adds to the workload of the parish priest in a way which makes a difficult job even harder. Do you have a view on that?

MR ELDER: It varies - of course, it varies from parish to parish. There are some priests who are working extremely hard and who don't have large amounts of time. There are others who have much time and can be far more involved. But at the end of the day, we should not overlook the role of the principal, who handles the day-to-day operational matters in the school with the teachers.

MR FREE: Thank you. Can I ask you, please, to consider the scenario which I've asked Dr McDonald and Mr Hill about. Firstly, as I understand, under your policies, if a complaint is made in relation to the behaviour of a diocesan priest, the report which has to be made is to the Professional Standards Office of the archdiocese; is that right?

MR ELDER: No. In the school scenario, no. In the school scenario, if it is in respect to a matter involving a child in our school, their first responsibility is to report it under the amendments to the 1958 Crimes Act, where they must protect and disclose.

MR FREE: I'm sorry, Mr Elder, I didn't mean to suggest that's the only report they make. There may be reports to the police or human services, depending upon the nature of the complaint?

MR ELDER: Correct.

MR FREE: But is there also a complaint made to the Professional Standards Office of the archdiocese?

MR ELDER: I can't answer that because I don't know.

MR FREE: You don't know what procedure would be applied if a complaint was made in relation to a parish priest?
MR ELDER: No, only as it applies to the school.

MR FREE: Well, assume that. Assume that it related to something that the parish priest had done on the school. Does the archdiocese get involved in responding to that complaint?

MR ELDER: No.

MR FREE: Not at all?

MR ELDER: Well, my experience in the 10 years that I've been there is that - in the 10 years that I've been the director in the office, I know of no case where the parish priest has abused a child in the schooling environment.

MR FREE: I'm just trying to understand what would happen if a complaint arose next week or next year?

MR ELDER: If the complaint arose, from a schooling perspective the onus is on the principal or the teacher or anyone else within the school, because now it doesn't put it into categories of nurses, health professionals or whatever - anyone in Victoria must report, and they must report to the police.

MR FREE: What about the religious orders, taking, for instance, one of the principals you've referred to, if there was a complaint about them, would the superior of that religious community become involved?

MR ELDER: Legislatively, I don't know. It would be determined, I suspect, locally. But let me tell you what the law says again: failure to protect and failure to disclose and grooming is a crime, so therefore the personal onus is on the principal, the teacher or anyone else within that school to report it. Whether they report to the congregational leader I don't know. I don't know what the protocols are. But their obligation is to report it to them and to report it to my office.

MR FREE: Thank you. Can you tell us a little about the project which we understand from the archbishop's statement is being developed relating to something called the Polonious database?

MR ELDER: Yes, okay. So again, in order to ensure that
we had a system in place that basically tracked everything, we bought a system called Polonious, which is a knowledge and data tool which captures complaints, and these are tracked and managed. They probably spent over a million bucks on the installation of it, including licences ongoing.

We're also going to expand that to capture other things, such as industrial issues, because, as I said earlier, sometimes industrial issues manifest that child abuse may happen down the track, and also to track wellbeing within the school as well. The system that we bought, we're building on and looking to expand. So it is a tool.

MR FREE: Is that going to involve consolidation of historical files?

MR ELDER: My understanding is yes, but I would need to check that.

MR FREE: What about in relation to information that interstate authorities might have that is relevant to the kinds of conduct issues that your office investigates - are you aware of any resources that enable you to find out if other offices in other states hold information that might be relevant to one of your people?

MR ELDER: Abuse takes place in state schools, Catholic schools and independent schools, and my understanding is that the regulators who look at this, including each of the state regulators, are looking - this is my understanding - at an Australia-wide system that captures everything.

I would say at the moment there are holes that probably exist because I have a teacher who was accused of abusing someone in a state school, who works at our school but still has their registration. But I understand all the regulators are looking at an Australia-wide model that captures all this information, which would be most welcome.

MR FREE: On a related point, you mentioned earlier one example of where an investigation that your office had conducted led to a member of staff being terminated.

MR ELDER: Yes.
MR FREE: Firstly, in that situation of termination, do you advise the Teachers Registration Board of that action?

MR ELDER: Yes, we do.

MR FREE: What about if a teacher is encouraged to resign, as sometimes happens, rather than termination?

MR ELDER: Again, there is no ambiguity around that. It must be reported to the Victorian Institute of Teachers.

MR FREE: Thank you, Mr Elder.

Mr Crowley, can I turn to you, please. Firstly, on the topic of the structural model of having a priest act as an employer to a principal, that's not your situation, is it?

MR CROWLEY: No, it's not.

MR FREE: Who is your employer?

MR CROWLEY: My employer is Edmund Rice Education Australia, so I'm employed by the executive director.

MR FREE: Thank you. In the precis that you've provided to the Commission of your views, you've indicated some concerns that you would have about that kind of arrangement. Can you just outline for us why you think --

THE CHAIR: Sorry, which kind of arrangement?

MR FREE: I'm sorry, an arrangement whereby the priest was your employer. You've said that might cause some difficulties. Can you tell us what your own perspective is?

MR CROWLEY: Yes, certainly. I don't necessarily share the same view as Steve. I respond to that question from the perspective of having been a principal, a secondary principal, in regional settings, so in country settings, where you may have a relationship where the primary school principal is employed by the parish priest.

I think the issue that your Honour raised is around not necessarily specific examples of where there has been abuse and the principal hasn't reported it; it's around the
likelihood for that to happen. So from where I sit as a secondary principal employed by Edmund Rice Education Australia, I am delegated to make the decisions in my school.

So on a whole range of issues, I would consult - I would consult my lawyers, and we have a very close relationship that I've developed over my two years at the school where we often say we want briefings on how we perhaps should engage on a particular issue. We would talk to professional standards at the Catholic Education Office in Melbourne. I would talk to Edmund Rice Education Australia. I would talk to the police. There would be many bodies and people with great wisdom that could help me navigate through a decision if I found that I needed some assistance with regards to that.

The PROTECT Resources are very clear, too, for principals now in Victoria in terms of following those through and responding. But ultimately I make that decision having taken on the wisdom of a whole range of bodies who are experts in those fields and do so always with the best interests of the students, as all principals would do.

Where I have the concern is that there's a very human element, I think, when you're the principal and your boss is the parish priest. I'm not saying for one second that the principal wouldn't respond according to law, legislation, compliance requirements, all of that, but I think it's that human nature that is there, the potential for that not to go as it should - that's where my concern lies.

I think also, too, having had many conversations with colleagues who are primary school principals, that sometimes the expertise in HR, as a principal - you know, there's a lot of stuff to get your head around as a principal these days. You're not just involved in the learning and teaching. There is a whole complexity in being a principal, and the principal is the expert there.

So I guess the concern is also around the pressures that that might put on priests to be those experts and potentially putting scenarios in place - it might be, for example, that the students in a primary school are going off to an excursion, and there's a certain ratio that needs
to be in place there for that to happen safely and those are very clearly documented. Well, could there be the potential for the principal to say we're doing one thing, and the parish priest, maybe without that expertise, might not have the same insight. So I guess they're probably the areas where I have some difficulty with that model.

THE CHAIR: You're drawing upon your conversations with, I assume, multiple principals when you make those comments?

MR CROWLEY: Yes. Certainly in my context as a principal of a regional school, we would meet often with primary school principals in the region. I wouldn't say that it's many, but certainly I've had that conversation where the principal at times has to navigate around that relationship and work very hard to get their direction across or be very headstrong there.

THE CHAIR: What's the reason why it's thought an appropriate model, Mr Elder?

MR ELDER: I'm not saying it's not an appropriate - what I'm saying is there are multiple governance --

THE CHAIR: No, no. Why is it thought that this is an appropriate model, to have the priest as the employer in the parish school?

MR ELDER: Because I'm trying to follow their logic. It may well be that he reports to Wayne Tinsey, who is the CEO of Edmund Rice Australia, and he may have the same problem with Wayne Tinsey as he would have with a priest. It's --

THE CHAIR: Well, I'm not sure there's a parallel there, because like your comment on Education Departments, Edmund Rice are professionals in education. The parish priest may not be. That's the difference.

MR ELDER: Have you been through the board of Edmund Rice Education Australia?

THE CHAIR: I'm not talking about the board. I'm talking about the people who are in that organisation with responsibility in relation to the running of the schools within their care. The same with an Education Department. Whether the head of the Education Department has a Bachelor of Education may not matter very much, but what does matter
is the qualifications and experience of the people who work within that department.

Now, the difference with a parish priest - there may be some very good ones, they may be very good educationalists, but obviously some will not be. That's the difference.

MR ELDER: And I understand, your Honour. The point that I'm making is that different governance models - the things that actually hold people to account is ultimately where the power and authority rests --

THE CHAIR: Could you help me with answering my question?

MR ELDER: -- and who can impose sanctions.

THE CHAIR: No, no, could you help me with answering my question. Why is that thought to be an appropriate model?

MR ELDER: I'm saying there are multiple models of governance. You're putting forward one model of governance. I could put forward probably another 10 different models of governance. What I'm actually saying is that when you sit down and analyse all of them, there may be flaws, but the one thing that always counts is the governance standards which they're held accountable against, and that ultimately determines who has the power and authority to implement those governance standards.

In education in Victoria, or across this country, it's a top-down model. The state says, "You must do this", particularly in respect to child protection, and a whole raft of other things, and what I'm saying is that the great strength is - this governance model may not be ideal, the governance model that exists in Catholic schools may not be ideal in Victoria, or the governance model in state schools, but the one thing that holds them all to account is the governance standards, because that's the anchor point against which the accountability frame rests.

THE CHAIR: I'll have one more attempt. Can you give me reasons why the model which has the parish priest as the employer would be chosen as the model for your education system?

MR ELDER: The point that I make to you - you've singled
out one governance model, your Honour, and what I'm saying
to you is that there are multiple governance options in
this country in respect to education. Non-government
schools - some of them have boards or companies limited by
guarantee. In Victoria, we have a different model for
education. In the state system in Victoria, for some time
they had self-managing schools where effectively the
employment of staff was pushed out to the school level.

I'm saying there are multiple governance models.
Whatever they are, the thing that, at the end of the day,
makes sense is the governance standards against which they
must report and where the authority and power rests. In
the case of Victoria, it is with the state government, in
particular around child-safe standards and a whole lot of
other things.

THE CHAIR: Mr Free.

MR FREE: Mr Crowley, St Patrick's in Ballarat, which you
now lead as the headmaster, has a particularly troubled
past with child sexual abuse, something you must have been
very conscious of when you took on the job?

MR CROWLEY: Yes. Yes, certainly I was aware of parts of
the history. It would be fair to say that I didn't
anticipate the journey that we were about to go on as
a school in its fullest extent, but I certainly had an
understanding of what I was getting into two years ago when
I was appointed, and I certainly did that recognising that
we had a part of our history that needed to be acknowledged
and we needed to openly engage in.

MR FREE: Can you tell the Commissioners what steps you've
taken to try to acknowledge that and engage with it?

MR CROWLEY: I think the first sitting for the Royal
Commission in Ballarat was in February - it might have been
May in my first year, in 2015. It was very early on in
that year. The Royal Commission organised the opportunity
for a number of people who represented different sections
of the Ballarat community to come together, and I guess it
was a session to just put on the table our fears, what we
were worried about, our concerns and what we hoped, as
a community, to be able to work through, with the hope
that, as a community, we can move forward. I think that
that was a wonderful opportunity, then, to establish some
relationships there.

From that, myself and Eileen Rice, who's the principal of St Alipius primary school in Ballarat, met with a small group initially of men. Those men were made up of victims of abuse from my school, from St Patrick's College. I guess in those initial conversations, we weren't really sure what to say or what to do. It was difficult. But we all seemed to have a connection that it was important for us in terms of moving forward as a community that we did meet.

The questions that we asked in those initial meetings - I used to just ring up some victims and survivors who were part of the group and say, "Can we meet for a bowl of soup down at the cafe", and we sort of met there every fortnight. The questions were, "Well, what are we meeting for? What do we need to do to move forward into the future?" In the words of one survivor, and he often says this to me, "Something good has got to come of this, something good." So I've always had that ringing in my ears, and Eileen has too.

So we started to ask those questions. Instead of us being the ones talking, we both felt very strongly that we needed to listen, just to engage in a conversation where we basically just kept quiet and listened to the victims and survivors how we could support them, how our community could support them, how the community of Ballarat could support them.

We were let in on a very personal journey and I'm very honoured, as Eileen is, I'm sure, to have been able to be part of that journey. Some of the things that we talked about and were identified that we had been focusing on, in many ways, over the last two years - the first and I think the most important one was open acknowledgment of this part of our history, that there are no excuses; it is what it is and we need to acknowledge that fully. I believe that we've done that.

It hasn't always been an easy journey, but I think that certainly from a very personal perspective, the most hope-filled people that I've experienced on the journey are these men and women who are victims and survivors that we have been working with.
So how did the acknowledgment develop? Well, in many ways. I became more confident and more vocal in the paper and in the press to be able to say, "This is part of our history and we need to acknowledge this", and I've had unbelievable support from the Ballarat community in doing that, from my college board, from the school community and from the parent community, who have never once made me feel as though we're doing anything that we absolutely shouldn't be, and that is walking in solidarity with victims and survivors. So more confidence in that message.

I think people will know that there was a real turning point for us in the acknowledgment of our history in the area of sexual abuse, and it was when three of my senior leaders in year 12 knocked on my door literally one lunchtime and said, "Mr Crowley, we're watching what's going on and we want to say something."

I have to say, initially I thought, okay, I knew that that would be in the press, and I guess, as an educational leader, there comes a point where you have to trust - you have to put faith in your students. I think sometimes we think that they're not listening and they're not looking, and they are. In fact, they're probably on social media 20 times quicker than I could be in terms of conversations and things that are going on there.

I said, "Okay, gentlemen, what do you want to do?" They said, "We want to do three things. We want to write a letter. We want to acknowledge the hurt fully and openly. We want to stress and reassure victims and survivors that St Patrick's College today is not the same school." It was very important for them to articulate that message that they are safe. The third one was that they wanted to commit, as a school community, to walking in solidarity.

So they wrote the letter. I said, "Boys, go away and draft it up." They came back the very next day and said, "Here it is." So we published that. That was a real turning point for us as a school and I think also within the community.

I received a number of phone calls from survivors who were past students of the school, who had been abused, just thanking us and saying what a wonderful thing it was that the boys took that initiative. We had victims come back
into the school to have lunch with the boys and to
acknowledge and spend the time to talk to the boys about
the impact that they had had. That acknowledgment has been
one of the things that has come through that conversation.

The other area that I think has been integral to the
conversation that we have been privileged to have with
victims and survivors has been for them to know that the
school is a safe place. It has been a great blessing to
me, as a leader, that through the new ministerial order, we
have been able to revisit procedures and policies and
processes to make sure that if the bar is here
(indicating), we're here (indicating higher), and we have
that goal, that we want to keep moving forward in the best
way we can.

So as a group - and by that stage, we had some very
respected people in health care come on board to help us
with the conversation - we started investigating what
curriculum resources are out there, not just around child
protection, because we knew, as a school, that the new
ministerial order spoke very strongly to the new standards,
but also around the importance of mindfulness, developing
resilience in young people, giving young people the skills
to be able to identify when behaviours are in front of them
that are not right and really being able to give them the
skills to have a voice and know who to speak to.

So we looked at a whole range of possibilities. One
of the survivors I worked with was very strong on
mindfulness, and very learned, and he was able to share
that knowledge with Eileen and myself in a way that drew us
to a curriculum that was operating out of South Australia,
the Department for Education, and had been rolled out to
all Catholic schools. So we started investigating that and
speaking to the people who were responsible for authoring
that.

The Catholic Education Office in Ballarat came on
board and we approached Bishop Paul Bird and said we would
like to trial this program. He said that he would be happy
for that to happen and thought it was a good idea under the
auspices of the office. So we have entered into
a negotiated contract with the Department for Education in
South Australia. We have signed up on contracts, and we're
about to start trialling that curriculum in our schools as
a response to one of the child-safe standards around giving
the students that voice and the skills to be able to
demonstrate to them.

It was, I think, an absolute honour to be part of that
conversation and actually produce something very meaningful
and tangible in terms of the safety of children. We're
rolling that out through the pastoral care program at
St Patrick's College this year, our child-safe officer.

Also the conversation around reassuring victims and
survivors that St Patrick's College is not the same school
today led us to a whole range of appointments. We employed
a director of HR with a very strong legal background,
a past lawyer, who has been able to guide the school and
the staff expertly through the process of introducing the
seven child-safe standards, the ministerial order,
understanding what that can look like, training staff in
the PROTECT Resources, how you respond when something comes
across your desk or you hear a conversation with a student,
so that everyone is part of that. All of that initiative
has come through that initial conversation, sitting down
and saying, "We want to listen about how we can move
forward, as a school, in our relationship with you and as
a community."

The thing that I know that Eileen and I are most proud
of is that we have been able to reconnect past students
with our schools. People may know that the day that
a survivor came and stood at the front of the gates of
St Patrick's College with me standing next to him, and we
were photographed and there was a wonderful - beautiful
story that was published in The Age about his journey and
the damage that had been inflicted on him and then the
journey that we had been on in terms of the work as schools
was a very proud moment for us as a school.

So reconnecting, where it's desired, with the school -
another survivor once said to me that, for the first time,
he felt like an old boy of the school. When that's said to
you, that just motivates you to say, well, this is so
important.

That initial meeting was a gift to us, and we are so
thankful that we've had the opportunity. As a school
community, we will continue to engage in conversations with
victims and survivors in terms of how we can support them,
because I think one of the things that has struck me
throughout this whole journey - and, really, I didn't
understand it until I had the opportunity to walk in
solidarity with victims and survivors - was the damage that
had been done to them, the absolute devastation.

There wouldn't be one meeting, one gathering, one
lunchtime, where one of the members of the team didn't take
a phone call from another victim and survivor who was
suffering, who was really distressed. It's really hard to
watch someone who themselves finds it hard at times to get
out of bed and come along and have a meeting about this
horrible, appalling abuse and, at the same time, be the
person who is providing that support. There is so much
work to do in terms of redress, the importance of providing
safety nets for people and providing that ongoing
counselling and support.

One practical thing that has also come out of the
conversations for us as a school is that we've employed an
alumni officer, whose job it is to harness the huge power
of our old boys. We have thousands and thousands of past
students. We're putting together a database. Then we need
to work out, as a school, how we can connect with past old
boys, including victims and survivors who are desperately
doing it tough. How do we connect? For example, for
someone who just needs their lawn mowed, someone who cannot
get their finances together, someone who needs professional
assistance, tapping into that database, as a school, and
ringing that old boy up who has donated their services and
saying, "We have someone here. We need you to talk to
them." We're also putting our energies into that.

That's just a very personal summary from a school
perspective.

COMMISSIONER MURRAY: Mr Crowley, I'm conscious of the
time. I recognise the improvements in child safety and
protection that you have outlined to us. What has been
exercising my mind is how you stress test, which is
a phrase used in financial prudence, the system to see
whether in fact it is robust and is indeed providing the
safety that you have outlined.

I want to talk to you briefly about a very instructive
experience for the Royal Commission, and that was our
Case Study 6 into a Toowoomba primary school, and that was
in 2007, so it's relatively current. It concerned the employment and re-employment of a teacher against whom child sexual abuse allegations had been made.

Now, there were five protective mechanisms, which would imply that that school should have been child safe. Firstly, there was a state accreditation, regulation and reporting regime in practice. Secondly, the bishop, the ultimate authority over that school, was able and responsive in matters of child protection. Thirdly, there was a professionally run and capable Catholic Education Office. Fourthly, there was a quite deep and extensive range of policies and procedures with respect to child protection. Fifthly, there was in-service training annually at least.

Yet there were great failings at the school, by the principal, by staff members and by the Catholic Education Office, which allowed for children to continue to be put at risk. So when someone says to me, "My school is now safe", I think I'll accept it's safer. What do you do to test whether that safety is real? How do you audit, enforce, stress test, do your very best to make sure that somebody who should be reporting is and that proper procedures are understood and that the training has worked?

MR CROWLEY: Yes, I agree. Our goal is to be the safest possible school we can be, and I think part of that is to consistently, with staff, re-inform them of the processes that are in place, making sure that we are ever mindful of consistently setting aside regular time to make sure processes are clear and followed; having open conversations with teachers in terms of how they're finding those processes, so testing those out through conversation; making child safety related matters something that is part of the fabric of the school, the conversation that goes on; making sure that everyone understands their role, and part of that is through the appointment of a director of HR, who is working in conjunction with the director of OH&S risk management to make sure that those conversations are going on.

So I think from my perspective, you can never sit still. It's about that ongoing conversation, day in, day out, about things that are in place, looking at ways in which processes can be improved and procedures can be improved. For example, at our school, with Working With
Children Checks, we have gone through the whole process of saying, well, what is included in the Act and --

COMMISSIONER MURRAY: Can I interrupt you. Do you do role plays? You heard Mr Free earlier talk about scenarios. One of the instructive ways business trains people is to role play and use scenarios. Do you use modern techniques of training?

MR CROWLEY: At my past school, we had the VIT come in and talk through role modelling, so examples. That would be something that we could do more of at St Patrick's College. So the answer is no, but that would be one way that we could do that. Certainly the examples through the conversations with the director of HR and legal advice around specific examples are very good learning tools that we could develop more.

MR FREE: Thank you. Just finally, Mr Crowley, you referred in your precis to some instructions that the Bishop of Ballarat has given about how the Sacrament of Reconciliation should be carried out in schools. I assume that's generally in the diocese rather than just your school; is that right?

MR CROWLEY: That would be correct, yes.

MR FREE: What are the key principles now about how it should be dealt with?

MR CROWLEY: Yes, so I think it was around the middle of last year - no, maybe a little earlier than that, the bishop sent a letter out to all schools establishing a protocol for confession where it occurs at schools, that is, that it's in an open place, clearly visible. At St Patrick's College, we offer, as part of our RE program, confession at year 10. Not a large number of students take that up, but it is done at the back of the chapel in open view. The boys just simply walk down the back, and everyone can see what's going on there.

MR FREE: Is the practice more common in primary schools, do you know?

MR CROWLEY: I couldn't comment. I would suspect so, but I wouldn't be able to comment there. I know it occurs in year 10 at our school, and few students take up that offer,
that opportunity.

MR FREE: Mr Hill, can I ask you, are there any specific directives in the Archdiocese of Brisbane about how the Sacrament of Reconciliation should be carried out with students?

MR HILL: I am aware of protocols that the archbishop has provided to priests of the archdiocese in relation to working with children in relation to the Sacrament of Reconciliation.

MR FREE: What are they?

MR HILL: I'm not that familiar with them, Mr Free, to be perfectly honest with you, but I can speak from my experience as a principal at a primary school and working with priests as a teacher and assistant principal over the years. It would be a very similar circumstance to that which has been described, essentially where you would have children who are preparing for the Sacrament of Reconciliation, that would be parish based. That means that the school is at arm's length in relation to the preparation for that sacrament.

When it came to the actual offering of the sacrament, it may occur with a class of primary school students a couple of times a year. There would be preparation done with the parish priest and the teacher. Then that sacrament would be offered in a church where the priest would be on the sanctuary or somewhere else, in open view, and students would be invited to voluntarily participate in that sacrament.

MR FREE: Dr McDonald, anything?

DR McDONALD: Mr Free, there are not, as far as I know, in any diocese, any written protocols on the celebration of the sacrament. It would be common practice in WA primary schools that the sacrament happens, which is celebrated in the parish, but preparation happens in the school, and that it's all done in the open, on the sanctuary. There would be multiple priests, multiple points to go to. Really, we would rely on the duty of care and normal processes, but there's nothing documented.

MR FREE: Mr Elder, I think we've seen that the archbishop
in Melbourne has issued a specific written protocol?

MR ELDER: Yes, a clear policy and directive to all parish priests.

MR FREE: Thank you. Nothing further, Commissioners, thank you.

MR FREE: Mr Gray?

MR GRAY: Very briefly, if I may, your Honour.

<EXAMINATION BY MR GRAY:

MR GRAY: Just to you, Dr McDonald. You mentioned in answer to a question you were asked that there was critical incident reporting now but that you didn't have the figures at your fingertips at the time, and I think you now do. Could you tell the Commission what the position is in that regard?

DR McDONALD: Thank you, Mr Gray. Yes, his Honour asked about the critical incidents. We have approximately 15,000 staff in Catholic Education Western Australia. Last year, I submitted 274 critical incidents to the Department of Education Services. The breakdown - 30 of those were in the category of sexual abuse. That could be historic, outside of the school, or it could be peer-to-peer or teacher-to-student.

On those figures, the 30, I am aware that one of them was against a teacher and two of those incidents were against non-teaching staff - a sports coach and a boarding supervisor. The other 27 - I don't have a breakdown of exactly what they were for, what categories.

MR GRAY: Are you able to say whether all of them or any of them were incidents which, although reported to the school, nevertheless didn't happen at the school?

DR McDONALD: I couldn't give you exact numbers on that, but given that one is against a teacher and two are non-teaching staff, the majority would come from outside the school, where the student has confided in the teacher that this has happened - uncle, whatever it might be, in the family home, et cetera - and therefore we've made the mandatory report.
MR GRAY: To your knowledge, did any of those critical incidents relate to a religious person, a priest or a brother, for example?

DR McDONALD: No. To the best of my knowledge, no.

MR GRAY: Thank you.

THE CHAIR: Thank you, gentlemen. That brings this discussion to an end. It's necessary to excuse you, but can I thank each of you for your contribution.

Obviously, given the statistical analysis, the situation in relation to the safety of schools is a fundamental issue both, of course, for the Catholic community and for the whole community, and you people are really one of the pinnacle areas where the opportunity to ensure that schools operate safely is available. So we commend you for the work you do and thank you for coming to talk to us.

THE WITNESSES WITHDREW

THE CHAIR: We'll adjourn until 2 o'clock.

LUNCHEON ADJOURNMENT

MS FURNESS: Thank you, your Honour. This is panel 9.2 on child safety, complaint handling and risk management.

<SEAN PATRICK TYNAN, sworn: [2.05pm]

<ANDREA JOY MUSULIN, sworn: [2.05pm]

<MARK RICHARD EUSTANCE, sworn: [2.05pm]

<CLAIRE PIROLA, sworn: [2.05pm]

<KAREN ROSEMARY LARKMAN, sworn: [2.05pm]

<EXAMINATION BY FURNESS:

MS FURNESS: Could you tell the Royal Commission your full name, Mr Eustance?

MR EUSTANCE: Mark Richard Eustance.
MS FURNESS: Your occupation, Mr Eustance?

MR EUSTANCE: I'm the Director of Professional Standards for the Catholic Church in Queensland.

MS FURNESS: Is that for the Archdiocese of Brisbane or broader than that?

MR EUSTANCE: No, it's a state-level office, not the archdiocese.

MS FURNESS: So that's in relation to all the dioceses in Queensland?

MR EUSTANCE: Correct.

MS FURNESS: How many dioceses are there in Queensland?

MR EUSTANCE: Five.

MS FURNESS: Your professional history before you took up this position?

MR EUSTANCE: I was a member of the Queensland Police Service for 27 years.

MS FURNESS: What sort of policing did you do?

MR EUSTANCE: A little bit of a journeyman, I suppose. I did a range of different roles across the Police Service, including general duties, working in indigenous communities, criminal investigations. I was a senior policy officer, a project officer and a few other things in between.

MS FURNESS: What qualifications do you have?

MR EUSTANCE: I have a Master of International Relations and a Bachelor of Education.

MS FURNESS: Is this the first position you have had since leaving the police?

MR EUSTANCE: No, it is not.

MS FURNESS: What other work did you do?
MR EUSTANCE: I did a short role with a mining company as the superintendent of community relations.

MS FURNESS: You began this role in January 2014?


MS FURNESS: Are you the first person who has held that position of director?

MR EUSTANCE: No.

MS FURNESS: There was one prior to you?

MR EUSTANCE: There had been a number of directors prior to me. I think I'm the first full-time director.

MS FURNESS: The previous ones were part time?

MR EUSTANCE: I believe so.

MS FURNESS: When did the Professional Standards Office begin in Queensland?

MR EUSTANCE: I understand it began in 1997, probably with the implementation of Towards Healing, but I do believe there were people in the role before that. It may have been a different role.

MS FURNESS: You are the first full-time director?

MR EUSTANCE: That's my understanding, but I'm not too sure whether others were full time.

MS FURNESS: Who do you report to, Mr Eustance?

MR EUSTANCE: I have a reporting arrangement with a liaison committee. The liaison committee has two bishops and two senior religious nuns, and they represent the Catholic Religious Queensland Chapter and also the Bishops Queensland.

MS FURNESS: Their role is to direct your work?

MR EUSTANCE: It's more of a governance arrangement. They don't necessarily direct my work, but they will overview
the administration and running of my office.

MS FURNESS: Who determines the strategy of what you do?

MR EUSTANCE: I do.

MS FURNESS: Do you need approval for that strategy?

MR EUSTANCE: It's a bit loose, to be honest with you, but there are some things I will put to the liaison committee and other things that I don't.

MS FURNESS: Give us an example of what you would and wouldn't put?

MR EUSTANCE: Of course there is employment, number of resources in the office, budgeting, all that. That mainly goes through the liaison committee. But I've made a point of putting initiatives, if you like, to the liaison committee at times for noting.

MS FURNESS: What do they have to approve?

MR EUSTANCE: It's more about obtaining their support for some of these things and sharing information at that level as well, because I'm aware that they may want to take that back to the Queensland Conference of Bishops or CRA Queensland.

MS FURNESS: But what is it that they have to approve?

MR EUSTANCE: They approve the budget every year and any other positions in the office, employment, et cetera.

MS FURNESS: Policies and procedures - do they go to the liaison committee?

MR EUSTANCE: No, not generally.

MS FURNESS: You determine those, do you?

MR EUSTANCE: Yes.

MS FURNESS: Including in the area of child protection?

MR EUSTANCE: Well, we don't have a direct role in child protection at the diocesan or religious institution level.
We don't have that direct influence over those particular activities.

MS FURNESS: But to the extent that your policies and procedures touch on those matters, do they go to the liaison committee for approval?

MR EUSTANCE: No. No, not generally, they wouldn't go to them for approval, but I often will put them in front of the liaison committee for noting and maybe some recommendations.

MS FURNESS: You say that the Professional Standards Office, which you head, doesn't have a direct role in discharging child protection safeguarding functions. Who has that direct role?

MR EUSTANCE: That is the responsibility of the various religious orders in Queensland or the dioceses themselves. Under Towards Healing, there is a section that deals in prevention, but, again, if you read that, it places the responsibility and the onus upon the religious order or the Church authority generally.

MS FURNESS: So what is it that you do?

MR EUSTANCE: We try to - as best as I can, I try to bring matters to attention and I try to influence and recommend as much as I can. We do that through various means. We certainly have been trying to do that in the last three years.

MS FURNESS: That doesn't help me very much, I have to say, Mr Eustance. You try to bring matters to attention and influence and recommend. What matters?

MR EUSTANCE: If there are new initiatives in the area, we will try to put that to the liaison committee.

MS FURNESS: But in what area?

MR EUSTANCE: In child protection, safeguarding, complaints management. If we pick up on that, we will share that information. We have a professional standards network that we use to share that information, as well as the liaison committee.
MS FURNESS: I'm still not quite clear on what it is you do. Do you investigate complaints?

MR EUSTANCE: We investigate complaints. That would be our primary role.

MS FURNESS: So complaints come to you directly or via another source within the Church?

MR EUSTANCE: Correct.

MS FURNESS: Under Towards Healing, you provide that investigative work?

MR EUSTANCE: That's right.

MS FURNESS: So that's primarily your job?

MR EUSTANCE: That's our primary role at the moment.

MS FURNESS: Do you have any roles in other aspects of the Towards Healing process or just investigating?

MR EUSTANCE: Which other aspects?

MS FURNESS: Well, there are aspects of making decisions about disciplinary action; there are aspects about reporting to police; there's supporting survivors; there is meeting with survivors.

MR EUSTANCE: Insofar as the Towards Healing process allows us to do that, yes.

MS FURNESS: What does that mean?

MR EUSTANCE: Well, there are certain things that I have discretion and my office has discretion over within the Towards Healing process. The Towards Healing process is the tool or the mechanism given to my office to manage complaints and try to resolve those complaints, and there are certain things in there that we have discretion over. For instance, it might be whether a matter has to be assessed or investigated, for instance. Yes.

MS FURNESS: That would be your decision?

MR EUSTANCE: Towards Healing provides that if there is...
a dispute or a significant dispute about a certain
allegation or claim, well, then, the matter has to be
investigated or the director shall have the matter
investigated.

MS FURNESS: So you determine whether there is
a significant dispute?

MR EUSTANCE: No, the Church authority would give us
a response. They put the allegations to the accused
person. If there is a significant dispute, we will have
the matter investigated.

MS FURNESS: From what you have said, it sounds like your
job is confined to complaint investigating at the behest of
someone else; is that right?

MR EUSTANCE: Primarily, yes.

MS FURNESS: And after you have investigated the
complaint, you tell somebody else in the Church as to your
findings; is that right?

MR EUSTANCE: Correct.

MS FURNESS: Then they do whatever they do with those
findings?

MR EUSTANCE: The Church authority is responsible for the
outcomes.

MS FURNESS: For making the decision about what to do?

MR EUSTANCE: Absolutely.

MS FURNESS: Thank you. Looking at the material you
provided, you refer to advising the Church authority to
undertake a risk assessment and any action deemed necessary
to protect vulnerable others. So that's a role you have?

MR EUSTANCE: That's something that we've added to the
process, if you like.

MS FURNESS: It's an advisory role only?

MR EUSTANCE: That's right.
MS FURNESS: You don't carry out the risk assessment?

MR EUSTANCE: No, we don't. We could be dealing with Church authorities anywhere across Australia.

MS FURNESS: Across Australia?

MR EUSTANCE: Yes.

MS FURNESS: Why would you be dealing with them outside Queensland?

MR EUSTANCE: We will deal with the complaints where the survivor resides in Queensland.

MS FURNESS: Regardless of where --

MR EUSTANCE: Regardless of where the incident took place.

MS FURNESS: I see. You have individual dealings, I take it, with each diocese within Queensland?

MR EUSTANCE: Yes.

MS FURNESS: With each parish?

MR EUSTANCE: Not with each parish.

MS FURNESS: So there is somebody who you speak to at each diocese when something comes up of an investigative nature?

MR EUSTANCE: Yes, there is.

MS FURNESS: You will know that some other states have what are variously described as safeguarding programs or positions. Is there anything like that in Queensland?

MR EUSTANCE: Each of the dioceses has something in place now, to varying degrees, I guess. The Archdiocese of Brisbane would be leading the way at the moment, I think.

MS FURNESS: The Archdiocese of Brisbane?

MR EUSTANCE: Brisbane.

MS FURNESS: Leading the way in what respect?
MR EUSTANCE: In terms of their safeguarding response. They have dedicated safeguarding officers. They have a full child protection safeguarding policy in play. That has been in play for almost two years, I believe, and they have recently audited it as well.

MS FURNESS: Do you work with those people at all?

MR EUSTANCE: I was on the committee for the establishment of their safeguarding policy.

MS FURNESS: You say that they are leading the way. Has any comparison been done with the other states?

MR EUSTANCE: Not by me.

MS FURNESS: So --

MR EUSTANCE: Leading the way in Queensland, I meant.

MS FURNESS: I see. Thank you.

MR EUSTANCE: But then they have the means and the resources to enable that, too, I guess.

MS FURNESS: You refer to a national complaints database for Church authorities?

MR EUSTANCE: Yes.

MS FURNESS: Is that established within Queensland or, as it suggests, nationally?

MR EUSTANCE: No, it is a national database.

MS FURNESS: Who is responsible for putting information into that database?

MR EUSTANCE: Each state office is responsible for putting information in.

MS FURNESS: State Office of Professional Standards --

MR EUSTANCE: And the National Office for Professional Standards.

MS FURNESS: You check that in relation to every complaint
that you have to investigate?

MR EUSTANCE: We do, and we will enter information of new complaints as well.

MS FURNESS: So you enter information about your complaints?

MR EUSTANCE: Correct.

MS FURNESS: Is it the fact of a complaint or the outcome of a complaint that determines whether you put anything into the database?

MR EUSTANCE: The fact of a complaint is the position I take.

MS FURNESS: Thank you. Now, you offer training workshops?

MR EUSTANCE: Yes.

MS FURNESS: To whom?

MR EUSTANCE: Church personnel generally. We will offer them across the dioceses. We have run training sessions in the seminaries each year I've been there. We have offered training to religious, clergy, Church personnel generally who are interested.

MS FURNESS: Do you offer it on a commercial basis - that is, a fee for service - or not?

MR EUSTANCE: No, we don't.

MS FURNESS: You refer to having established a Queensland professional standards network. Who is in that network?

MR EUSTANCE: The network is comprised of myself and my staff and those representatives from each diocese who are involved in professional standards or safeguarding and a representative from Catholic Religious Queensland Chapter.

MS FURNESS: So there are dioceses that have their own Professional Standards Offices; is that right?
MR EUSTANCE: Correct.

MS FURNESS: Do they report to you or to the bishop of the diocese?

MR EUSTANCE: They report to the bishop.

MS FURNESS: So in terms of you having a state-wide role, how does that work?

MR EUSTANCE: Again, we go back to the Towards Healing document. In respect to complaints of abuse against Church personnel, strictly, the Church authorities, if they receive information or complaints, should refer the matter to my office in the first instance and allow my office to respond.

MS FURNESS: Should?

MR EUSTANCE: Correct.

MS FURNESS: Do they?

MR EUSTANCE: Look, it varies.

MS FURNESS: We will come back to Towards Healing a little bit later.

You say also that you have implemented trauma-informed practices and safeguards. What have you done in that regard?

MR EUSTANCE: We have consulted with the Blue Knot Foundation and we have had training for ourselves and others who are involved in professional standards and safeguarding. We have all run that practice, and we've tried to weave into our practices those things that better protect, in my view, the interests of survivors who are going through the Towards Healing process and also allow them to get the appropriate support whilst going through the process.

MS FURNESS: You have a process and a policy in relation to reporting to police?

MR EUSTANCE: Yes.
MS FURNESS: What's that?

MR EUSTANCE: Again, going back to Towards Healing, it provides that if a complaint is received or information is received that indicates that abuse by Church personnel has occurred and it might be criminal in nature, the matter needs to be reported to the police, and it is the director's role to do that or the Professional Standards Office's role to do that. We will do that on behalf of Church authorities.

We take a broader view of that responsibility. If we have concerning information at that level, we often will refer information across. We have tried to build on that a little bit by providing options to survivors to allow us to share their information with the police but acknowledging that they may not want to be contacted about it. I've been surprised at the uptake of that. Again, I think that empowers people to make a decision. I believe that fits with the Queensland Police Service's policy and protocol on the investigation and prosecution of sexual offences as well, in that they won't pursue a matter necessarily if they don't have a willing complainant.

My sense is that people will elect to allow us to share their personal information with the police because they may be of use - or that information might be of use to the police.

MS FURNESS: In cases where the person does not want you to provide their information to the police, do you do so anyway under blind reporting?

MR EUSTANCE: We provide information on their disclosure or their allegations or their complaint, and the person who has been accused, but we will not provide the survivor's name if they don't want us to.

MS FURNESS: And the police are happy with that approach?

MR EUSTANCE: Yes, they are.

MS FURNESS: You have been in that position three years now?

MR EUSTANCE: Three years.
MS FURNESS: Can you tell the Commissioners what you think your most significant achievement has been in the area of protecting children or improving the response of Church authorities to abuse?

MR EUSTANCE: I would like to think that we've established a greater degree of independence of the Professional Standards Office, and I think that's important. In my view, under Towards Healing, the Professional Standards Office is meant to be independent from Church authorities, particularly in the management of very serious child sexual abuse complaints, albeit historic.

I think in doing that, we've lifted transparency and we've lifted accountability through the process. That has not always been popular with some Church authorities, but I think we have lifted the accountability. We have tried to therefore build consistency in our response and what people can expect.

I think we have tried to empower survivors entering the process. We are not in the game of, if you like, railroading people into the Towards Healing process. It is the tool that is given to my office to operate, and we have tried to be true to that, but from the get-go, we will advise survivors of all their options for redress, and I would like to think they make an informed decision to enter the process or an informed decision to take another course of action.

We are very transparent throughout the process. We like to give them sufficient information to make informed decisions all the way through the process and engage in that and how that goes about. Having said that, there are some parts that we just need to undertake, for instance, like an investigation. I acknowledge that can be very confronting for people. I'm a little bit uneasy with that, but I think it's how you go about it.

MS FURNESS: Thank you. You said that you have established a greater degree of independence. What have you actually done to establish that greater degree of independence?

MR EUSTANCE: When I started in 2014, I met immediately with the Queensland Bishops Conference and shortly thereafter with Catholic Religious Australia Queensland.
Chapter, and I put to them an operating model and I made it very clear that our office would be running independently and we would run the process impartially.

MS FURNESS: I still don't quite understand what you mean by "independently". What is it that you actually do that you say renders you independent?

MR EUSTANCE: Insofar as the Towards Healing process is delivered or managed, we will run that in a very independent way and in a very impartial way.

MS FURNESS: What do you do to make it independent?

MR EUSTANCE: We adhere to the policy as much as we possibly can. Very rarely, particularly with very serious child sexual abuse allegations, would I use any discretion to skip the process without consultation with all parties involved in it. So we like to bring that level of rigour to it. If you put aside policy as it is written and intended to be implemented, it raises grounds for potential reviews, and that's not useful to many people. And it brings a level of accountability through the process, so we do it that way.

MS FURNESS: Sorry, accountability to whom?

MR EUSTANCE: Accountability to Church authorities, accountability for our office as well, in that process. So we're very upfront about that.

MS FURNESS: Does your office publish statistics on complaints received, investigations, outcomes and the like?

MR EUSTANCE: No, it doesn't, but I understand the national office may well do that.

MS FURNESS: Do you feed in to the national office?

MR EUSTANCE: We do.

MS FURNESS: You do?

MR EUSTANCE: The data is usually taken out of the database.

MS FURNESS: Have you considered publishing statistics of
that type in Queensland?

MR EUSTANCE: What I have done recently, because I think as of November or December last year Towards Healing had its 20th birthday, if you like, I decided to do a full sweep and analysis of the data held in my office only. We analysed that, and it's not empirical evidence or data, I hasten to add, but we derived from that a whole range of different indicators and information that we have been, over the last year, revealing to people in our training sessions, in our stakeholder engagement sessions, our awareness training sessions, and it reflects pretty much what the Royal Commission has revealed in its data as well.

MS FURNESS: So have you published that data in a public forum?

MR EUSTANCE: We haven't formally publicised it or published it, no.

MS FURNESS: When you talk about stakeholders, do you mean inside or outside the Church?

MR EUSTANCE: Inside and outside. Some of our service providers - I'm happy to talk to them about that. I think we need to be transparent about the data in my office and what it reveals over time.

MS FURNESS: What are the challenges you still face, Mr Eustance?

MR EUSTANCE: I think there is a continuing culture of discretion, as it has been put to me in the past. I think it will be the ultimate challenge to change that culture. I like to think we have shifted that in pockets around Queensland. I think within that is perhaps a lack of willingness in different areas to fully disclose things and to take formal action when they need to.

MS FURNESS: What areas are you talking about?

MR EUSTANCE: Well, it could be just at the parish level. It could be anywhere. There's still a reticence to make a telephone call or to blow the whistle if concerning information is raised. I think that is changing, though. I think it will continue to change.
MS FURNESS: What have you done to assist that change?

MR EUSTANCE: We have marketed ourselves very widely. We will take all the phone calls. We will assist Church authorities wherever we can. We have multiple avenues to get in contact with us now. We’ve a national 1800 free call number, a general email address, website, et cetera, et cetera. We are more than happy to take phone calls and assist Church authorities. We have put a lot of effort in, in the last two years, to talking to all our stakeholders about what we do and what we can assist with and where we can value-add.

MS FURNESS: So there is still a reticence, notwithstanding that?

MR EUSTANCE: Well, recent issues have arisen where I’ve wondered why a person just didn't make a phone call.

MS FURNESS: Why didn't they, have you found out?

MR EUSTANCE: Just thought it was something they should be discretionate [sic] about.

MS FURNESS: I'm sorry?

MR EUSTANCE: It's just an issue they thought they should be discretionate [sic] about.

MS FURNESS: Thank you. Ms Pirola, would you tell the Royal Commission your full name?

MS PIROLA: My name is Claire Pirola.

MS FURNESS: Ms Pirola, what is your position?

MS PIROLA: I manage the Office for Safeguarding and Professional Standards in the Catholic Diocese of Parramatta in New South Wales.

MS FURNESS: How long have you been in that position?

MS PIROLA: Fourteen months.

MS FURNESS: What did you do before that?

MS PIROLA: Initially I commenced working as a welfare
worker for several years, with women and children, and
a few of those years were with Family and Community
Services as a district officer. I commenced studying law
there and I moved to the employment of the NSW Police
Association in the 1990s, in the legal division, and
I worked there for 10 years. I was admitted as a legal
practitioner in 1999, I think it was.

Then I moved to the employment of the Catholic
Commission for Employment Relations in the area of advising
Catholic employers in New South Wales on child protection,
in particular on the implementation of Part 3A of the
NSW Ombudsman Act and the employment screening that had
come out of the Wood Royal Commission. I was there for
about four to five years, and then I moved into private
practice for several years. Then I moved into the
employment of the Catholic Education Office of Sydney
Archdiocese, in their child protection team, and then
I moved over to this position in the Diocese of Parramatta.

MS FURNESS: Are you the first person to have held this
position?

MS PIROLA: No, they had two managers prior to me.

MS FURNESS: When did the office begin, do you know?

MS PIROLA: July 2014.

MS FURNESS: What is your role as managing the office?

MS PIROLA: My role is to oversee mainly the operations of
the office, to deliver to the bishop the seven core
functions in safeguarding and compliance around
professional standards.

MS FURNESS: Do you have a role to play in complaint
handling?

MS PIROLA: Yes.

MS FURNESS: Are you the primary complaint handling body
for complaints against clergy and laypeople and others?

MS PIROLA: In the Diocese of Parramatta?

MS FURNESS: Yes.
MS PIROLA: Yes, so the process in the Diocese of Parramatta is that any allegations in relation to abuse or high-risk behaviour towards children should come to our office through our agencies and our ministries.

MS FURNESS: Do you follow Towards Healing?

MS PIROLA: When the Office of Safeguarding was set up following a review of professional standards and the diocesan response to survivors of abuse, of child abuse, one of the outcomes of that review, through the office, was to set up a process that is underpinned by the principles of Towards Healing, but it has some alternative approaches to it.

MS FURNESS: The parish priest plays a role in safeguarding and professional standards in your diocese; is that right?

MS PIROLA: In what context, sorry, just so I understand the question?

MS FURNESS: Do they? Does the parish priest play any role in the work that you do in safeguarding and professional standards?

MS PIROLA: They must report any allegations of abuse to us. That would be their primary role.

MS FURNESS: Other than reporting to you, they don't have responsibility for responding in any way to those allegations?

MS PIROLA: When an allegation is received, there is a response to the complainant or the victim. They may not be the same person. In that response to the person who has brought forward the information and/or the victim, in the risk management of that, a parish priest may be involved in some way, for example, in a pastoral response to the person if, say, they've come through the parish and that's appropriate for the individual who has come forward. They certainly would not be involved in any allegation related to any part of their conduct or anything that had occurred within the parish.

MS FURNESS: Thank you. You say in the information you
provided to the Royal Commission that your office operates independently and reports directly to the bishop. Firstly, who are you independent from?

MS PIROLA: When the office was set up, it moved - in the context of the office, it became more independent than what was believed to be previously existing in terms of responding to people who had been abused.

MS FURNESS: But independent of whom?

MS PIROLA: Of a number of persons within the diocese in positions who may be able to influence best outcomes for survivors or influence the process.

MS FURNESS: How was that achieved?

MS PIROLA: We're not there yet. One of our mantras is: we haven't got this right yet, and we really want to try to keep working to get it right. What has been trialled - where the significant shift came was that in the set-up of the office, there are a few significant factors which are different to what existed before. One is that the director of the office is actually an external lawyer, who looks at strategy and governance and reports directly to the bishop.

MS FURNESS: So you are the manager?

MS PIROLA: I'm the manager. We have a director of the office.

MS FURNESS: Above you?

MS PIROLA: That's correct. Myself and the team, we report to the director of our office, so we don't report to anyone else senior in the chancery or the bishop's office. That would have been different to previously.

MS FURNESS: Previously, your position reported directly to the bishop?

MS PIROLA: Previously, this position didn't exist. Prior to the establishment of our office, professional standards was mainly, as I understand it, managed through an external consultant to the bishop around how to manage it.

MS FURNESS: I'm just trying to understand what you have
told us. You have said that the office was established 
in July 2014 --

MS PIROLA: That's correct.

MS FURNESS: -- to ensure accountability and support of 
all diocesan agencies and that this office operates 
independently and reports directly to the bishop.

MS PIROLA: It doesn't come over - it doesn't sound - that 
sounds inconsistent. I appreciate that. So just in that 
context, okay, I guess part of the independence that exists 
now with the staff is that we report to the director, who 
is an independent person, so not an employee. That's one 
thing.

The other significant part is the response arm to 
victims who come forward is managed by - we have what we 
call a Healing and Support Service. The Healing and 
Support Service has people independent from our office, so 
there is a couple of employees from another agency, who are 
skilled and qualified to companion people who have come 
forward from trauma, and a panel of external providers as 
well, such as psychologists experienced in this area. So 
that was part of - and they operate independent of our 
office but through our service.

MS FURNESS: So independent of your office but employed by 
the diocese in some form or other?

MS PIROLA: The payments - absolutely. If I may say, one 
of the very important dialogues that we welcome is the 
whole concept of independence, you know, working with 
people who have been through trauma with Church or 
anywhere - any time a bill is paid by the Church, they will 
often question if it is independent in any way.

MS FURNESS: Is the director a consultant engaged by the 
diocese - is that right?

MS PIROLA: That's correct.

MS FURNESS: A full-time position?

MS PIROLA: No.

MS FURNESS: So you report to that person, who reports to
the bishop?

MS PIROLA: Correct. Now, as well, in terms of responses to victims, we have the independent panel, called the reparations advisory panel. So if the person wishes to come forward with anything that they are seeking, some sort of reparation, some sort of response, it goes to that panel, and that is made up of a psychologist, a civil lawyer and the mother of a survivor of abuse who is since deceased. And of course there is the professional standards advisory panel made up of independent people, who advise the bishop. They are not part of our office, but that has been in existence since 2010 and would advise the bishop on professional standards issues around risk and strategy.

MS FURNESS: You say that there is a requirement within the diocese, including clergy, that there be seven hours of mandatory professional learning each year?

MS PIROLA: Correct.

MS FURNESS: Does that include the bishop?

MS PIROLA: Absolutely.

MS FURNESS: And there is some record-keeping, presumably, of that attendance?

MS PIROLA: Yes, yes.

MS FURNESS: Is that professional learning within or outside of the Church?

MS PIROLA: Do you mean is it delivered within or do they attend - who delivers it?

MS FURNESS: Firstly, is it delivered within the Church, that is, by the Church itself?

MS PIROLA: Our office delivers the training, but it may not necessarily be us who are the presenters.

MS FURNESS: So you may engage people outside of the Church to present to the people who are required to attend?

MS PIROLA: Yes. Yes. The short answer is yes,
particularly this year, so when the mandatory training - so it is seven hours, and seven hours is insufficient, but it is a start. It is seven hours of training for all leaders in the diocese.

MS FURNESS: How did you come up with seven hours?

MS PIROLA: I think - I'm not sure. I can ask where the seven hours came from, but I think it's because it is a start. It was a one-day, mandatory, that all leaders in the diocese must come for a day's training on this, as a starting point.

MS FURNESS: Thank you.

MS PIROLA: We've moved to modules this year. In the modules, we have people from outside coming and talking to those - so it is all the clergy, all leaders in schools, in CatholicCare.

MS FURNESS: You refer to an audit process having been initiated?

MS PIROLA: Yes. In our team, in our office, we have a training and compliance officer. Part of that role is obviously training and the other part is compliance, and there are audits as part of that.

MS FURNESS: What is the audit process?

MS PIROLA: The audit looks at what systems are in place to provide a safe environment, so it will be looking at how someone is selected or brought in; it will be looking at that they are complying with the processes for identifying high-risk behaviour or reporting.

MS FURNESS: Have any audits been completed?

MS PIROLA: The audit on the Catholic schools has been completed.

MS FURNESS: Have the results been published?

MS PIROLA: No.

MS FURNESS: Is it proposed that the results be published?
MS PIROLA: I would like the results to be published. I would also like our data to be published, but that decision hasn't been made yet. We're still in conversations around that.

MS FURNESS: So you have put the proposition forward, but it hasn't yet been agreed to; is that right?

MS PIROLA: Yes. It's been something we've been discussing for a while about making public the data around how we manage the systems and respond to allegations.

MS FURNESS: Why wouldn't you make it public?

MS PIROLA: I would like to.

MS FURNESS: Can you think of any reasons why it shouldn't be made public?

MS PIROLA: Why others may not want it public, do you mean?

MS FURNESS: Why it shouldn't be made public.

MS PIROLA: No, I can't think of any reason why it should not be made public. I think it should be public.

MS FURNESS: You say that the diocese regularly engages with professional standards personnel from other dioceses and religious orders. That's within New South Wales?

MS PIROLA: Correct.

MS FURNESS: Is there any overarching body in New South Wales in relation to professional standards?

MS PIROLA: There is the New South Wales Professional Standards Office that exists, but not in terms of the reference of that - what I put forward in that comment. And there is no authority-based overarching professional standards that would direct how professional standards occurs through the Church agencies.

MS FURNESS: So how do you work with the New South Wales body?

MS PIROLA: The outcomes of our own process - we let them
know. That's part of Towards Healing. They need to know, and that's the central place for outcomes to be. We liaise with them around some systems, such as - they introduced the ACMR, which is a new register for clergy going across dioceses nationally. So, yes, we would liaise with them because they introduced that.

We had what we call a clergy ministry card system in the greater Sydney area, across a few dioceses, already in place, so working with them about looking at how that will move together. Training. They would have policies that we might look at at some stage in looking at our own policies.

My reference to collaboration in relation to across dioceses is an informally established group of practitioners who hold various roles, but some simply these roles, from each of the bishops' offices in New South Wales, who started to meet about a year and a half ago quarterly, and they are working together to try to look at consistency in approach and how it can improve. But there is no formality to that, unfortunately.

MS FURNESS: Do you access the database that Mr Eustance spoke of?

MS PIROLA: I'm not aware that we do.

MS FURNESS: So you and your office don't put in data to the national database that he referred to?

MS PIROLA: No, we put data - we provide the outcomes of our matters to the New South Wales Professional Standards Office. That's my understanding. When you said "access it", I thought you meant do we obtain information from that.

MS FURNESS: Do you obtain information from that?

MS PIROLA: Not that I'm aware of.

MS FURNESS: So you give data to the New South Wales body, and your expectation would be that they would provide it to that database, is that right, or you don't know?

MS PIROLA: I don't know. I don't know how that works.

MS FURNESS: You refer in your paper to various
challenges. One challenge is in relation to the risk of not identifying risks or gaps. How is that a challenge?

MS PIROLA: Sorry, which letter was that in my --

MS FURNESS: You say that there is a risk of not identifying risks or gaps without a complaint or an audit process.

MS PIROLA: Sorry, I just wanted to get the context.

MS FURNESS: It's page 5, item 4.1, the first dot point.

MS PIROLA: Okay. The reason I included that point is because I think it's a very real and practical challenge that even if we have audits in place and robust processes, we can still miss early indicators of abuse, and I was just naming it because I think that's a true reality. It will still happen at times, and that's why we need to always be vigilant, and so forth. But that's what that was referring to.

MS FURNESS: You refer also to allocating adequate resources to achieve cultural change - that is, proactive, committed to ongoing education and making child safety and prevention the first priority. How do you think that cultural change can be achieved?

MS PIROLA: In terms of resourcing, or are you just asking me generally?

MS FURNESS: Generally.

MS PIROLA: Generally. I think some of the aspects that may shift the cultural change would be a national consistent approach in relation to child protection, so responding to allegations, ensuring safe environments first, and responding to survivors.

MS FURNESS: Are you talking about within the Church or more generally within institutions?

MS PIROLA: I'm talking more generally. Certainly within the Church, but, no, more generally. People move in and out of agencies and children come across different agencies, so a consistent approach I think is a no-brainer, really, a national approach.
I think accurate data that can be used to inform our responses and understands what is happening is absent and needs to happen. And when there is data given and it's given publicly and to relevant authorities, I think that can help bring around cultural shift. I can give you an example on that.

MS FURNESS: Certainly.

MS PIROLA: In the last 16 years in New South Wales, many agencies have worked under the Part 3A provision of the NSW Ombudsman Act. I guess my observations or experience of that is that it has shifted culture in this state for those agencies quite profoundly.

There's a number of reasons for that, but part of it was because we could get data from them. They can actually tell us how many allegations there may be. We can look at the types of findings that are being made from those. That then informs us as to what are the issues emerging, and then we can decide how best to respond. So I do think data is critical. Without that, we can just go round and round in circles and talk a lot.

MS FURNESS: Part 3A is a New South Wales provision - that's right?

MS PIROLA: It is.

MS FURNESS: There is nothing in other states that you are aware of that permits you to exchange information about child protection matters in those states; is that right?

MS PIROLA: To exchange information?

MS FURNESS: Yes.

MS PIROLA: Sorry, Part 3A is the requirement to report certain allegations of behaviour about employees to the NSW Ombudsman.

MS FURNESS: I understand that. But as you understand it, there is no requirement similar to that, for the moment, reportable conduct scheme, in other states?

MS PIROLA: No, I'm not aware that there are.
I understand there's discussion around it.

MS FURNESS: You can, via the Ombudsman Act, exchange information with other agencies about child protection matters, can't you?

MS PIROLA: Yes, we - yes is the short answer.

MS FURNESS: But you can't do that external to New South Wales?

MS PIROLA: That's correct. We also have another mechanism in New South Wales. It is known as Chapter 16A under the Children and Young Persons (Care and Protection) Act, which enables prescribed agencies to exchange information.

MS FURNESS: You are a prescribed agency?

MS PIROLA: Yes, in the sense that we operate for schools, so we are - schools are a prescribed agency, and so forth, and we have other services to children.

MS FURNESS: So are there other suggestions you would like to make for change that would improve the safety of children and the response of the Churches to allegations?

MS PIROLA: Yes. I think the leadership is critical. Unless the right people are leading this wherever, again we're going around in circles. I've heard a lot of discussion in the last few weeks around reporting to police, and I find it quite troubling that that's still a discussion happening. So we seriously need to look at the leadership of people in positions to influence change of culture and act. So if someone in a leadership position - in Church I'm talking of, or really anywhere - is still questioning if they need to make a police report, they need to move. They need to get out. They should not be in a position of leadership.

MS FURNESS: Is that happening in your diocese?

MS PIROLA: We're working at it. For example, through some of our training, certain people might challenge. If they challenge that concept, we then identify them as a person of concern in terms of leadership and would take some steps to try to either have that corrected, or, if
they still held the position that they are not going to report or they don't need to report, and we're aware of that, the conversation, the recommendation to the bishop, is that they should be removed because that would present a risk to children.

MS FURNESS: Has that happened?

MS PIROLA: We're in a conversation at the moment in relation to that.

MS FURNESS: So has it happened?

MS PIROLA: Which part, sorry? That we have enacted --

MS FURNESS: No, has it happened that somebody has questioned whether or not they need to report, and you have then spoken to them - has that happened?

MS PIROLA: Yes.

MS FURNESS: More than once?

MS PIROLA: Yes.

MS FURNESS: With what results?

MS PIROLA: With most results that they have accepted the position. At the moment there is one that we're still working - it's too early to say if they are going to correct their position on that.

MS FURNESS: Is that a risk in your diocese, that there is not a robust approach to reporting to police?

MS PIROLA: From individuals, yes, I think it's a risk everywhere. If there are still individuals existing anywhere who have that view, that's a concern. The diocesan, in terms of the leadership - if there was a leader who wasn't going to report to the police, they shouldn't be in that position of leadership.

MS FURNESS: Is there a culture of not reporting within your diocese?

MS PIROLA: I think there is a - I think one of our risks is that there is still a view by some that they have
a discretion in it. I am not sure if I would say it is a whole culture, because we get so many coming to us with information for police reports or making them themselves. The schools have been doing this for a long time, much better, much more regulated and oversailed. Some of the other ministries and services may not have been as accountable previously on this, so it's hard to know what is not happening if we don't know it is not happening.

But we certainly have numerous police reports being made, and that may be peer to peer, it may be the schools, it may be - a range of things, but we certainly - yes, so it's happening. I don't know how much it's not happening, because I don't know. Does that make sense?

MS FURNESS: Certainly. Is there anything further you want to suggest by way of change?

MS PIROLA: Just two things, briefly, if I may. One is that one of the big shifts in our practice, I think, in recent years - and it is certainly an emphasis of mine - is focusing on high-risk behaviour of adults working with children, or young people with young people, even.

One of the concerns I have is that there is a big emphasis on when you know that there is sexual abuse, we make the report and we act. And that's important. However, the majority of matters that we deal with in this work and that we see are matters where there aren't convictions, where we get behaviour that - people don't wake up and just sexually abuse tomorrow. There are behaviours that have been indicators earlier, high-risk behaviour, and if we don't start responding to that in a consistent way and in an early way, then we're not going to interrupt that behaviour.

That's a challenge because that's unpalatable. Most people, most leaders, would say these days, "Yes, of course we will tell the police if someone says, 'I'm being sexually abused.'" We know that. But when we have the conversation with them to say, "We're really concerned about that person's behaviour because they were piggybacking the kids around the parish grounds and they sent them a little text", or something, when we have that sort of stuff, often I still see a resistance in saying, "Well, they haven't done anything criminal."
We say, "No, but this is where we intervene." If we are serious about protecting kids, we have to intervene right back when those early indicators come up. I think that is critical and the focus of now and the way forward in terms of the safe systems. Does that make sense? And I'm afraid that's going to get - I do worry that that may get lost in the big focus on the criminal elements when we know it is a crime.

MS FURNESS: The conduct you have described could well be grooming.

MS PIROLA: Absolutely.

MS FURNESS: It most certainly is boundary violation in relation to the other conduct. Why would there be a reticence about reporting boundary violations and grooming behaviour?

MS PIROLA: I'm not sure why - well, I'm not sure why people are concerned about that. I think part of it - part of it may be a lack of understanding of what that behaviour could be.

When I started working with Church for the first time in 2000, having come from a history of outside, I found it quite a different culture - and I think because there are faith parts to the organisation - around how they view people. Generally people find it hard to understand that someone who does a lot of good things and may have some goodness to them also can do something really bad and be a criminal. So, you know, families will struggle with that, where a parent may abuse, and others will say, "Well, they were a good neighbour. They helped me with this", or, "They were good with others." So I think that's a basic thing that's hard.

MS FURNESS: Is that a culture that's happening today, as you have observed it?

MS PIROLA: I think it is still there. I think people still struggle to see - they're looking for a black and white, like an offender is going to look like this. No, they don't.

Our responsibility, when we're working in this area, is to intervene early when you see any high-risk behaviour.
When we're training people, we put up examples of known offenders' grooming behaviour early on. We say, "Look at this behaviour," and often people will say, "Oh, well, they went to have a meal with the family. Well, that's a pastoral response." "That child needed extra help. They gave them extra help." It may be a pastoral response. What I say to them is that we don't know, until the sexual act has occurred, if that behaviour is okay or not unless we have a firm understanding around that earlier behaviour, and that is why the early intervention is critical.

So we now say, you know, a classic example is you try not to be one-on-one with a child. So if someone is being one-on-one with a child, are they sex offending? We don't know. What we know is that they are being one-on-one, and that's not okay. That's high-risk behaviour. That confuses the child's boundaries and you are exposing yourself to a complaint, and we'll come and investigate that.

MS FURNESS: Is that information you are giving to those in the diocese in your training programs?

MS PIROLA: Yes.

MS FURNESS: And is it getting through?

MS PIROLA: I think it's starting to. Often when we put it that way with them, you can see a little bit, they sit back, they get a bit less defensive.

MS FURNESS: Can you suggest what more can be done to ensure that those at least within your diocese have a clearer understanding of what behaviour should be considered at risk and therefore be the subject of some report or another? Is it a question of more training or something else?

MS PIROLA: It is the training development and I think it is that cradle to grave, as David Leary used the term yesterday. In employment, we talk about employment cycle, so it is from the very beginning when someone is coming in, throughout their work, and then if they are exiting, how that is managed.

The same with volunteers engaging: how do we select volunteers in our programs? We're going to roll out
safeguarding officers in parishes. How do we select and make sure we have the right people and keep them adequately developed and formed as they move ahead in their role?

MS FURNESS: Who do you talk to in the diocese about these issues that you have?

MS PIROLA: Which issues?

MS FURNESS: All the issues that you have been describing for the last 15 minutes.

MS PIROLA: Was I talking too long?

MS FURNESS: No, no, not at all. I was trying to describe the issues I was referring to. Who do you talk to in the diocese about the challenges that you have been describing?

MS PIROLA: Oh, okay. We talk with our office - with my office.

MS FURNESS: Within your office. What about outside of your office?

MS PIROLA: Other leaders in the dioceses - like, say, the executive director of CatholicCare. I've had these conversations with them. Certainly priests. I'm quite open. At the training, I will say, "This is what concerns me." So with most leadership, this discussion I would have, certainly with the vicar generals, the bishop. Our independent advisory panels would be aware that these are concerns that we hold.

MS FURNESS: Have movements been evident to you in relation to the challenges to improve the situation?

MS PIROLA: I really liked one of the Commissioners' questions earlier today about how you measure success in this work. Can I say that's a project we have on foot, to actually look at ways we can measure it better as well. Obviously we don't rely on number of complaints, and so forth.

I would say generally I see positive movement happening, but we're not there yet and we don't know if what we have is right yet. That's why we're really keen and we do, as much as we can, collaborate with others
outside as well and say, "Tell us what we need to do differently."

MS FURNESS: Thank you. Can I turn to you, Ms Larkman. Would you tell the Royal Commission your full name?

MS LARKMAN: My name is Karen Rosemary Larkman.

MS FURNESS: What's your position, Ms Larkman?

MS LARKMAN: I'm the Director for Safeguarding and Ministerial Integrity with the Archdiocese of Sydney.

MS FURNESS: How long have you been in that position?

MS LARKMAN: I've been in this position for nearly 14 months now.

MS FURNESS: Prior to that, you worked with CatholicCare in Sydney?

MS LARKMAN: I was the general manager at CatholicCare.

MS FURNESS: Thank you. Does your position have a complaint handling role?

MS LARKMAN: Yes, it does.

MS FURNESS: So you perform the duties that Mr Eustance has spoken about as well as broader safeguarding duties?

MS LARKMAN: That's right. My responsibility is to set the strategic direction for the safeguarding office. We've developed a four-year strategic plan. That's currently in draft and sitting with the archbishop for sign-off.

I respond to complaints and allegations. Although Sydney Catholic Schools and CatholicCare have day-to-day responsibility for complaints and allegations, the archdiocese provides an oversight role. So I meet with Sydney Catholic Schools every month to go through their reportable conduct matters and any serious complaints that they want to discuss with me, and I also meet with CatholicCare to go through their reportable conduct matters.

My role also involves instigating preventative
measures in terms of the archdiocese and parishes, and
a compliance element.

MS FURNESS: You say that one of the areas that there is
an engagement with children in the archdiocese in relation
to parishes is particularly at camps and excursions for
altar servers and volunteers?

MS LARKMAN: That's right.

MS FURNESS: I am sure you know from the work of the
Royal Commission that camps and the like, particularly with
altar servers, have come up in terms of past behaviour.
What do you do to ensure the safety of children on those
camps?

MS LARKMAN: There are a number of things we do. We
ensure that there are comprehensive risk assessments in
place that look at who is actually running the camp,
whether the employees and volunteers have appropriate
checks and balances in place, so have they been through an
appropriate recruitment selection and induction process?
Have they got current verified Working With Children
Checks? We also look at where the camp will take place.
They usually go to the Benedict XVI Retreat Centre.

In the risk assessment, they look at ratios of
children to adults and they look at many other things in
the risk assessment, including what would happen if
a certain incident takes place; what are the mitigation
strategies that are going to be put in place?

MS FURNESS: Do they happen very often, the overnight
camp excursions?

MS LARKMAN: I think it's once a year.

MS FURNESS: You say that your parish priests also receive
training?

MS LARKMAN: Yes.

MS FURNESS: Is that mandatory?

MS LARKMAN: It is. They receive mandatory training.
I set up the office a year ago now and instigated a whole
suite of training courses that all priests and clergy have
to attend. Last year, we delivered level 1 safeguarding training, so it was a basic training, mandatory for all priests and clergy. We have just under 300 incardinated priests in the Archdiocese of Sydney, so it was mandatory for those priests to attend. It was a basic-level training that looked at signs and symptoms of child sexual abuse and child abuse in general as well. It gave them a thorough induction into the archdiocese's policies and protocols to make sure that they understood what it actually said and what it meant.

We talk to them about grooming. We use the Monica Applewhite information regarding grooming. Our training courses that we implemented in 2016 were based on the Ireland training. When I initially set up the office, I looked around Australia at many of the dioceses in Australia, and I looked at America, the UK and Ireland. I was really impressed with the work that Teresa Devlin was doing in Ireland, and I made contact with her. She very generously sent me through all of her training packages, and I developed the Sydney training packages based on the Ireland model. She also sent me through many of her guidelines and forms. So a lot of the developmental work that I've done this year has been based on the Ireland model.

I also got in touch with the NSPCC, the National Society for the Prevention of Cruelty to Children, and they have amazing resources there, so we've implemented many of the resources into our training material from the NSPCC. So we have collected information from many places.

Our priests do annual mandatory training, so 2016 was level 1. Another major element of that training was recruitment, selection and screening of employees and volunteers. I tell people that a soft entry point into an organisation is via volunteers, and people often feel that they don't need to carry out as rigorous a check on volunteers. If we're not careful, the parish priest will tap somebody on the shoulder and say, "You can just do this", or, "You can do that", so we've really explained to them the importance of rigorous selection, recruitment and screening for volunteers and employees. It should be the same process that they are going through.

MS FURNESS: What challenges remain for you now in making children safe and having the Archdiocese respond
appropriately if there is an allegation?

MS LARKMAN: We're at the beginning of our journey. We're just a year in as the safeguarding office, and it was a new set-up for Sydney. So I feel we're at the beginning of our journey.

We have achieved amazing things in a year but we've got an awful lot more to do.

MS FURNESS: What particular challenges have you identified?

MS LARKMAN: For me one of the challenges is information sharing. So when we are aware that we have issues with priests or clergy, it's very difficult to get information from - I will give you an example. Currently, somebody has made an allegation to the police about a member of clergy. So we have stood that member of clergy down and I'm trying to get information from the police regarding the allegation. But it is proving to be very difficult to get them to release the information for me, so that it's hard for me to move forward with that matter. Information sharing in general across Church authorities and across orders and Church.

MS FURNESS: Is there an ongoing police investigation?

MS LARKMAN: No, they have decided that they will not investigate the matter. So I would just like the information, the allegation that was made and the statement. They interviewed the priest. I would like the statement regarding that interview, to be able to provide a risk assessment to look at where we go from here and for our own internal investigation. That's a challenge for me. Information sharing in general across Church authorities and across orders and Church.

MS FURNESS: Thank you. Can I turn to you, Ms Musulin can you tell the Royal Commission your full name?

MS MUSULIN: Yes, my name is Andrea Joy Musulin.

MS FURNESS: Your position, Ms Musulin?

MS MUSULIN: My position at the moment is the Safeguarding Project Coordinator for the Perth Catholic Archdiocese.

MS FURNESS: I understand from the information you have
provided you described yourself as the director of the safeguarding program.

MS MUSULIN: So within the organisation, I'm regarded as a director. So I oversee the safeguarding office. However, project coordinator is also another title that I'm more readily acknowledged by, because my role in developing safeguarding is very hands-on.

MS FURNESS: You have parish based safeguarding officers, I think, don't you?

MS MUSULIN: Correct. We have over 200 parish-based safeguarding officers in our parish.

MS FURNESS: Are they responsible for the hands-on dealing with complaint survivors and the like?

MS MUSULIN: That's correct, in the first instance.

MS FURNESS: And you are the overseeing body in the program or project?

MS MUSULIN: Correct.

MS FURNESS: The people who are doing the safeguarding work at the parish level are volunteers?

MS MUSULIN: Yes, they are. However, many of them come with high levels of experience and expertise in a range of areas, but notably, law enforcement, legal, child protection, education, psychology.

MS FURNESS: Who do they report to?

MS MUSULIN: They report directly to me.

MS FURNESS: They don't report through the parish priest?

MS MUSULIN: No, directly to me.

MS FURNESS: A job description, I think, that was provided to us, says that that position reports to the parish priest and to the safeguarding project coordinator.

MS MUSULIN: Yes, but it - I am the main - they may report to the parish priest, but I am the first port of call.
MS FURNESS: Could you see problems with them solely reporting to the parish priest.

MS MUSULIN: Absolutely and that's why they don't. And in their training - they are required to sit a full two-day training workshop before commencing in that role, and ongoing mandatory training is required, and I'm very strong and steadfast on the fact that they report directly to me in the first instance. The whole safeguarding program has been set up to alleviate the clergy's role in matters of safeguarding children and vulnerable in our parishes.

MS FURNESS: And how does it come to be that on the job description that we have been provided it still says report to the parish priest?

MS MUSULIN: I'm not - I can't really say on that, because their training tells them otherwise and it's commonly known otherwise.

They may have to inform the parish priest of certain matters, and in the training that is made very clear, that the parish priest isn't informed of all matters, only where and if necessary, the parish priest needs to be advised. An example of that would be if there was an offender in the parish - so if an offender had offended against a child and that offender was attending mass or was part of Church personnel, paid or unpaid.

MS FURNESS: Now, you say that you work in partnership with the WA Professional Standards Office.

MS MUSULIN: I do.

MS FURNESS: That's the separate body that is involved with complaint handling?

MS MUSULIN: They are. They are very separate to me, although we do work in partnership in relation to training. So we have sort of created a comprehensive training program and they are responsible in the best part for the Integrity in Ministry side of the training and codes of behaviour and conduct side of things, whereas I'm more about the safeguarding and child protection training.

MS FURNESS: You describe your role as safeguarding
project coordinator.

MS MUSULIN: Yes.

MS FURNESS: I suppose that is just a different title for the same job that you are holding; is that right?

MS MUSULIN: Correct. We're actually moving into changing that now, after the set-up phase, and I will be titled director.

MS FURNESS: It is to "effect change within the Perth Catholic Diocese".

MS MUSULIN: Could you repeat that, please?

MS FURNESS: Certainly. Your description in the document you have provided is, "to effect change within the Perth Catholic Archdiocese in relation to child protection and safety".

MS MUSULIN: Correct.

MS FURNESS: How are you going to do that?

MS MUSULIN: Well, that's a very big job, I must say, and when asked on that I say, well, I've started, and that's exactly what I've done. I've started that role.

I have been quite steadfast in saying, and correcting people when they say, "We have to acknowledge all the work that the Royal Commission is doing, we have to acknowledge child sexual abuse in the Catholic Church"; I've always maintained that acknowledging it is not enough. We have to understand it. We have to understand all aspects of child protection. We have to particularly understand how trauma affects the child's developing brain and how trauma affects more than the actual victim themselves. We have to understand how sex offenders work or paedophilia - which are two separate things in some instances - how sex offenders and paedophiles, hebephiles and pederasts actually operate: what is their modus operandi?

Coming from a policing background, I have applied a crime prevention philosophy to a lot of the work we do, which means it is about prevention, it is about detection, but in best part it is about reducing opportunities for
offences to happen and to also increase opportunities for children and families to actually make those reports.

MS FURNESS: You speak a bit about understanding various matters. Who is it within your archdiocese that needs to have the requisite understanding?

MS MUSULIN: Well, I think the clergy need to have rigorous understanding. It has been my experience that their knowledge on this subject is not as good as it should be. So therefore we made that a priority. So clergy was a priority first. But I think --

MS FURNESS: When you say a priority, do you mean in terms of training?

MS MUSULIN: Yes. So we set out and we worked from - you know, the leadership have to model this. We all have to do it, we all have to understand it, we all have to be trained, but the leadership have to model it. So that was very important. But when we talk about who needs this training, everybody needs this training.

Coming from a child protection background, one thing that has become quite obvious to me is that we haven't provided children with enough education and knowledge on this subject. So when I say "this subject", I mean child protection generally speaking. But then I'm going to take that one step further and talk about the sex education of small children. We don't provide that. So in our crime prevention philosophy, well before the 10 elements that the Royal Commission handed down, when I first started in this role I began the framework with the 12 standards as put out by Child Wise. I had been trained in those standards many years before and in the previous work that I have done I've used those and I've found them to be very effective and holistic, I suppose is a good word.

So I see that those standards and the 10 elements that the Royal Commission are bringing in - they are the way in which we reduce opportunity for offences to occur or to be committed and to also ensure that offences are detected when they happen.

The problem with that is that they are the barriers that we put in place; they are the hoops that we try and make sex offenders jump through to make it harder.
What I know of sex offenders and what I know of paedophilia, hebephilia and pederasty, is that they are cultivated and deliberate and they will jump through those hoops. And if and when they do jump through those hoops that we put in place, the last stop is the child. But for many, many years - and this is not exclusive to the Church, my experience spans well beyond the Church - for hundreds of years we have missed that point; we haven't been educating children; there haven't been appropriate protective behaviours or prevention education provided to children. We're just jumping on that now. Those wheels are just starting to turn now.

And in relation to sex education, the evidence shows and the data from the civil authorities in all states of Australia shows that the most vulnerable of ages for child sexual abuse occurring are between, depending on the research you are looking at, five and nine years of age. Most children don't get any knowledge on this subject until they are 12 years of age.

MS FURNESS: In terms of your role, how long did you say you had been in it?

MS MUSULIN: I started on 1 November 2014. I started in a part-time capacity. I was, at the time, working with WA police and also in a smaller role with Protective Behaviours WA Incorporated, and I had taken leave without pay from WA police and I could only - it was a full-time role but I could only afford to commence in that role two days a week. However, for the last just over a year I've been in that role full-time.

MS FURNESS: What do you think your greatest achievement is in the relatively short time you have been in the role?

MS MUSULIN: I think my greatest achievement is to instigate over 200 safeguarding officers, fully trained, in the parishes. Because the role that they play is a vital role. We have worked on a capacity-building model. We've strengthened local parishes. Obviously I can't be everywhere at all times and I need to be able to deploy resources at the local level, and I think that's key to ensuring the safety of children.

Again, coming from a crime prevention philosophy, if
crime increases anywhere, in particular suburbs, the first thing the Commissioner for Police will do will be to increase visibility. By increasing the visibility, that's how we prevent crime or detect crime. Well, I have applied that same analogy in that we have to be visible.

I think one of the things I'm most proud of, even though I've come across some difficulty in implementing it in some instances, is the visibility of safeguarding officers, the promotion of safeguarding officers, keeping this alive in our church. It's not a, "We do it, it is done", it is about keeping it alive.

One example of that would be that our safeguarding officers wear vests in Church - bright vests that are bright for children to see, and I have sat in many parishes and I've actually literally seen children tug on their parent's collar or arm and ask, "What does that lady do", or "What does that man do?" It gives us a good opportunity to explain to children what these people are there for.

Regular briefings are provided at mass. Children aren't going to see a name badge; it has to be more visible. We have porch posters in the foyers of all our parishes as a deterrent for anyone thinking that the Catholic Church is a soft option or there is going to be opportunity in the Catholic Church. Well, I would like to think that that's not the case any more. I would like to think that we are on to it better than we've ever been - not that we would like to deflect them somewhere else, because all children are as important as each other, but in our church we are sending a very clear message.

MS FURNESS: You said that you have had some difficulties in doing what you want to do. What are those difficulties?

MS MUSULIN: For example, with the vests, some of the clergy, the local parishes, have said, "Well, this is a Church and that's not the place for a vest." But what I have found, counsel, is that it is in the conversation. In the conversation that you have with them, you explain why they are wearing it, what we are trying to achieve by that, and if you have the opportunity to have that conversation, most of them come around and can see your point of view. And I have found that with most of the work that I do: it's in the conversation.
MS FURNESS: Thank you. Can I turn to you, Mr Tynan. Your full name?

MR TYNAN: Sean Patrick Tynan.

MS FURNESS: Your position?

MR TYNAN: Manager of Zimmerman Services.

MS FURNESS: What's Zimmerman Services?

MR TYNAN: Zimmerman Services is a whole-of-diocese child protection specialist entity that oversees the full gamut of child protection. We divide that into three - preventative, or prevention; response, primarily investigative; and of course our healing services.

MS FURNESS: The Royal Commission has heard a bit about your healing services in another case study, so leaving that to one side, in terms of the preventative and response, what work do you do there?

MR TYNAN: In terms of prevention, we undertake training on a number of different levels. So there is a full-day mandatory child protection training course for everybody employed or engaged in child-related work, and that's also, of course, expected of all our leadership.

There is also a range of multiple specialist or tailored training courses that we provide on an ad hoc basis, dependent on the needs of a particular program, school, what-have-you - parish.

We also provide particular components of a course for parish leaders and for parish volunteers called Integrity in the Service of the Church.

Separate from that, we also provide ongoing professional advice through our intake service. So any member of the diocese is able to contact Zimmerman Services with a concern for a child. A lot of those contacts don't constitute a report of child abuse. However, they are concerns around the child, and that gives us an opportunity to engage with the individual, provide them professional advice and support them in carrying out that advice.

Separate again, we also verify the Working With
Children Checks for volunteers. So we verify all the
volunteers across the schools, CatholicCare, parishes.
That way we have a centralised database of all our
volunteers.

It was mentioned earlier that that's a potential area
for risk and I would concur with that. Volunteers are an
ongoing source of strength for our church, but it's also
a potential area of weakness.

We have recently, in fact, as a diocese established
a coordinator for volunteers, somebody to help drive and
support the parish processes in engaging with volunteers
and ensuring that they have a good induction process, and
we have a handbook out to that effect which is available
online.

We also undertake audits for the schools in
particular. So as part of their accreditation process, as
independent systemic schools, we have a cycle that is now
six yearly where we come in and we undertake a fairly
rigorous audit of a particular school to ensure that they
meet the standards around ensuring the protection of
children. In 2016 we conducted 10 of those.

And, of course, there is the ongoing role of giving
information and advice to people at gatherings and other
such things. We have also checked and logged 90
testimonials for visiting clergy and religious. That was
in 2016. And obviously there is the ongoing role for me of
giving advice to senior management, senior leadership,
particularly the bishop.

MS FURNESS: Do you publish any statistics of your work?

MR TYNAN: We haven't yet but we are looking to publish
a fairly comprehensive range of data around both our
historic realities - the diocese, I think, has been very
open and forward in stating that we have a terrible past in
failing to protect children, in failing to stop predatory
individuals in particular - but also to give current
statistics, so the rates of reporting or intake, as we
would call it, the numbers of investigations finalised,
et cetera, so that people can have a very clear
understanding of what we are doing now.

MS FURNESS: You said that you were looking to do that.
What is stopping the diocese from doing it?

MR TYNAN: There is nothing stopping the diocese from doing it but we're planning to have that as part of our annual reporting mechanism for a relatively new council that we've established. So our hope is that the first annual report of that council will be published in December of this year, looking back at the last financial year.

MS FURNESS: Has the decision been made to include the data of the sort you have mentioned?

MR TYNAN: In terms of the historic matters, I think that's still an issue we are finalising. In terms of the current data, my understanding is that we are moving forward with that.

MS FURNESS: So that means a decision has been made to publish it?

MR TYNAN: Yes. May I say we also have what is called A Year in Review for the whole of diocese, and in the last one, for 2016, we have actually published some data for Zimmerman Services, not of an historic nature but of our current rates of contact and investigations and so forth.

MS FURNESS: Do you name priests against whom allegations have been substantiated?

MR TYNAN: We have not done so to date, and I've certainly looked very closely at a number of models, particularly Boston, around that issue.

The question arises - for those who have been found guilty, obviously, in a criminal court, it is not an issue, they are publicised. For those who have sustained findings in an administrative process, there are pros and cons to it. Obviously because they fill a public position as a priest, and if they were to remain in ministry, then I think the argument would very strongly favour that. But given that, for the most part, they are removed from ministry, certainly in my experience, then I'm not so sanguine about the argument. It is certainly an ongoing discussion we have.

MS FURNESS: You I think share the view of another panel member that the NSW Ombudsman's reportable conduct scheme...
is a positive initiative?

MR TYNAN: Oh, absolutely. Zimmerman Services in fact was established as a consequence of the NSW Ombudsman. There was a report undertaken in I think 2004 and it was looking into the efficacy and efficiency of the then arrangements under 3A, where CCER had management of child protection --

MS FURNESS: CCER being the Catholic --

MR TYNAN: Catholic Commission for Employment Relations. There was a particular matter that involved the Diocese of Maitland-Newcastle. Those findings were quite adverse and as a consequence of which the then bishop, Michael Malone, wanted to have an entity available to him that had specialist child protection knowledge and skills. Equally, there was a change to the Ombudsman Regulations that made each bishop the head of agency under 3A. That's my understanding.

MS FURNESS: Has that been delegated, that role?

MR TYNAN: In Maitland-Newcastle it has been delegated to myself as manager of Zimmerman Services.

MS FURNESS: Would you like to see Part 3A extended in any way?

MR TYNAN: Absolutely. The New South Wales bishops, through Maitland-Newcastle's current bishop, Bishop Bill Wright, penned a letter to the Attorney-General's office - I believe it was late 2015 - seeking that Part 3A, the mandate for Part 3A, be extended to parallel with the Child Protection (Working with Children) Act mandate. So, in other words, that any individual in New South Wales who is deemed to be in child-related work falls under Part 3A.

Now, this is important for us in particular, because the only reason that Catholic clergy fall under 3A is because of their relationships with schools, particularly primary schools. There is a canon that talks to the role of the cleric in the Catholic education of children. But my understanding is if you remove a primary school from a parish, they actually fall outside 3A, and my understanding - and, you know, I stand to be corrected - is that that is the case for most Anglican clergy, they actually fall outside 3A.
So from our perspective, it is quite important that that happens. I'm hoping that the New South Wales Government will look favourably on that submission.

MS FURNESS: So why would clergy who don't have a school within their parish be considered to be engaged in child-related work for the purposes of the Working With Children legislation?

MR TYNAN: Because part of the normative provision of ministry involves children. That's our argument. And the OCG I think is of that same mind.

Also, in the regulation, they specifically note that any minister, rabbi, mufti, priest, any leader of a religious service, falls within the scope of the Working With Children Check.

MS FURNESS: By mere fact of being a member of the clergy?

MR TYNAN: Correct.

MS FURNESS: Have you had a response?

MR TYNAN: From whom, sorry?

MS FURNESS: The Attorney-General.

MR TYNAN: There was an acknowledgment of the letter, my understanding is, but nothing since then.

MS FURNESS: What other suggestions do you have for reform, Mr Tynan?

MR TYNAN: That's a big one. Perhaps I could approach it in terms of what I see are some of the key challenges that face us. The use of Chapter 16A is an important consideration. Again, whilst it's under the Children and Young Persons (Care and Protection) Act, and it is clearly designed to enhance our ability to share information to protect children, I think in practice there are potentially some limitations to that. It would be helpful if perhaps they clarified or strengthened that provision.

MS FURNESS: In what way?
MR TYNAN: So the provision of information between entities that aren't strictly providing the range of services to children that are mentioned in 16A, that may hold relevant information.

MS FURNESS: For example, which agencies are you thinking of?

MR TYNAN: For example, the Professional Standards Office, if you want to look at it technically, probably doesn't fall within 16A. We exchange information with them in relation to clergy, but there are obviously some limitations there and uncertainties.

So wherever you have a system where people feel uncertain that they are able to do something, there is a human tendency to be cautious and not to do it. And we know very clearly that the exchange of information is absolutely vital to protecting children. You have to know the background of people to understand and put in context the current behaviour.

MS FURNESS: You are covered by the exchange of information legislation?

MR TYNAN: We are.

MS FURNESS: What is it that you do that makes you covered?

MR TYNAN: My argument is that because we work on behalf of the schools office and the systemic schools and CatholicCare, that we are covered under the welfare and education provisions.

MS FURNESS: Are there any other suggestions you would like to make, Mr Tynan?

MR TYNAN: Yes. We are currently looking at having one of my team accredited as a train the trainer for protective behaviours, so we want to promote and develop that within our schools, and it has been an extraordinarily difficult process and I've found out, or at least my understanding is, that Protective Behaviours NSW is no longer funded to train the trainer, and I find that an extraordinary circumstance.
Protective behaviours is not the answer for everything or everybody, to be sure, but it is a well-tested and research-based program that, for want of a better term, hardens the target. It makes children aware and it empowers them to protect themselves. And for the right sort of children - so obviously protective behaviours is not something you would roll out necessarily, for example, in an out-of-home care service where children who have been traumatised and are victims of abuse are in statutory out-of-home care - you would have to look very carefully at using it in those circumstances. But certainly for children in schools, where, all things considered, they come from relatively stable homes, that is an area where you can really use it to enhance safety.

MS FURNESS: When you say it is no longer funded - that's by the state government?

MR TYNAN: That's my understanding, and again I stand to be corrected, but that's my understanding.

MS FURNESS: The course is available presumably by a range of people who offer it, but a person seeking it would need to fund that themselves?

MR TYNAN: That's correct. And we are doing that, and it's only thanks to the dedicated work of the PB volunteers that we are able to do that.

MS FURNESS: Who are the PB volunteers?

MR TYNAN: They are the training board or the management board of Protective Behaviours - I don't know their names. I can obviously get them for you. But my understanding is they are very senior people, a number of university lecturers, et cetera, but they are doing that work in protective behaviours on a voluntary basis. That's my understanding.

MS FURNESS: Are there any other final matters that you wish to raise, Mr Tynan?

MR TYNAN: No, there aren't. Thank you.

MS FURNESS: The one issue I wish to address to the panel as a whole is in relation to Towards Healing. I think each of you more or less operates under the umbrella of Towards
Healing; is that right?

MR TYNAN: The Diocese of Maitland-Newcastle, and I can only speak for that diocese, of course, is a signatory of Towards Healing, and obviously, for those who choose to go to Towards Healing, we will support that and facilitate it. Our experience, though, since 2010, has been that people don't choose to go to Towards Healing.

THE CHAIR: What do they do instead?

MR TYNAN: What they do instead is choose to use our voluntary protocol for managing claims.

Your Honour, we have a very differentiated system, where if a person comes forward and says that they have been a victim of abuse, we take that at face value and they receive ongoing supports through healing and support, and you are aware of that.

If they choose to make a claim for financial compensation, for damages, at some point, they are most welcome to do that, and it is their choice how they do that.

Our experience is that their choice is to work directly with the diocese and obtain a settlement that way; they don't choose to go to Towards Healing.

THE CHAIR: Is there any reason you can identify as to why that is the preferred course?

MR TYNAN: I think the public standing of Towards Healing has been significantly, if not permanently, damaged. Obviously the case study conducted by this Royal Commission exposed a circumstance that, if I were coming forward to seek compensation, I wouldn't have a bar of, if I can say that.

THE CHAIR: You just did.

MR EUSTANCE: Your Honour, could I add to that discussion a little? Having to be the person who administers the Towards Healing process - and to be quite frank, I'm not a great defender of it either - I think there are some inherent tensions within it. I think it has been marketed as a pastoral process, but the reality is it is
a complaints management process like any other, it has all
those hallmarks. It can be quite rigorous if you apply it
fully, which is what we try to do. It can be very
challenging for people, both survivors and Church
authorities alike. They find difficulty with that. So it
is a complaints management process like any other, with all
those challenges. But the reality is it has pastoral level
outcomes only. I think that's a better way of describing
what it is. Yet it has been marketed I think for two
decades as a pastoral process.

I think, over time, maybe the resourcing of it and the
implementation of it may not have been what it should have
been.

And I think it's probably fair to say that there is
a requirement under Towards Healing that when the Church
authorities receive a complaint - and there's discussion of
what that looks like - I would suggest it is information
that someone has been abused by Church personnel. That is
referred immediately to the Professional Standards Office
in the state as the independent body, who then should
respond to the survivor to outline all their options for
them. And if they don't want to go through Towards
Healing, then there is no reason why they shouldn't then be
referred back to the diocese or some other course of
action. But they don't do that. Church authorities,
I think, for many years have not done that.

MS FURNESS: Ms Pirola?

MS PIROLA: Yes, the Diocese of Parramatta, the process is
more aligned with the Maitland-Newcastle diocese, Zimmerman
House. We consulted with them and that was one of the
models that we looked at when the current process was set
up in 2014. It is not exactly the same, there are still
some differences, but part of the reason was what we were
hearing from survivors was that it wasn't working. The
Towards Healing process, generally speaking - some
definitely had good experiences with it, but generally we
didn't have it right.

THE CHAIR: Can you identify why they were saying that?

MS PIROLA: My understanding of the observations that we
had on that is that the Towards Healing process is more
focused, as Mark referred to, in terms of a complaint
management process, and what we have tried to do with the
process we have is just to - our first response is the
compassionate response to the person who has come forward,
and the secondary part is, "Now, what do you want to do
with that, when you know what you want to do?" So our
first response is to say to them, "Thank you for coming."
We give them a companion, a suitably qualified person, who
can journey with them on wherever that takes them. That
has no end to it. That can go on for years. No matter
what they do, that person is always there and then that
person walks with them to help them and talk to them about,
"What is it you need?" There is an immediate response -
if they come forward and on that day they need to see
a psychologist, they need to get to a doctor, that
companion will help them do that in the immediate, and we
pay for that, regardless - we don't look at the complaint
yet.

When they are ready, when they have worked with them,
they look at what is it that they are seeking; what do they
need for some sort of healing or growth or to move forward.
Then that person will help. If they say they want to come
to the diocese - I talked about options, so they might say
"I want the bishop to know what happened", "I want an
apology from that order", "I need some money to help me do
the course I never got to finish" - whatever it is. The
companion helps them develop what they call a record of
experience about their story and that comes to our
independent reparations panel.

Now, in the early discussion with them, they also know
that if they prefer not to use that process, they may want
to go to the Professional Standards Office and go through
the other - the Towards Healing process in that regard.

So I think what we have tried to do is make it more
focused on the person who comes forward, and then dealing
with the complaint, what is the actual complaint, as
a secondary thing. And it's ongoing: in terms of
counselling and companionship, that has no end to it.

MR EUSTANCE: Could I add two things there. I think the
provision for the Church authorities to refer these sorts
of complaints to the state office really was intended to
avoid any obvious, in my view, conflicts of interest that
the diocese has in dealing with complaints of this nature
against their own people, and the state offices are meant
to be independent and not agents of the Church authorities, in my view, and that's the way we conduct ourselves.

There is also the other element, which is then dealing with the accused person and assessing and investigating the matter properly and fully. And we use all independent professional practitioners on a fee-for-service basis to do that for us, and they are very astute and they are very good in the way they deal with people, too. They will make findings on the balance of probabilities, and that is always useful, in my experience so far, to the Church authorities in dealing with the accused person. Always very useful. I don't think we need to lose sight of that, too. That's the other half of Towards Healing, is dealing with that person and their behaviours.

MS FURNESS: Ms Larkman, was there anything you wished to add?

MS LARKMAN: I think, quite similarly, I've only been there a year. The matters that have come in over that year I've referred to the Professional Standards Office, and I can see, prior to my time, the person in the position, the chancellor, who managed many of the safeguarding matters, worked very closely with the New South Wales Professional Standards Office. Yes.

MS FURNESS: But it is not something that you have had direct involvement with?

MS LARKMAN: So matters that have come in I've referred to the Professional Standards Office.

MS FURNESS: Thank you.

MR TYNAN: Could I just --

MS FURNESS: Just before you do, perhaps if I could ask Ms Musulin if she has anything she wishes to say.

MS MUSULIN: I do have one thing I would like to say, and I think this might be the forum to be heard.

One of the roles that I oversee is where we have a known child sex offender in a parish, so someone who has been previously convicted of sex offences, has gone to prison and come out of prison and is now attending mass, we
have a responsibility to manage that risk in a Church. But quite often we have very little knowledge around that.

So, for an example, the choirmaster, for want of a better word, has gone to prison because he has sexually offended against children in the parish. He has come out of prison, he has come back to Church, someone has recognised him and has told the parish priest or has come straight to my safeguarding officer; the safeguarding officer has brought that directly to me.

Sometimes, that's the only information we get. We know that he's a child sex offender or she's a child sex offender, but no other information is coming forward, yet we're expected to manage these people.

MS FURNESS: Coming forward from whom, the police?

MS MUSULIN: We get nothing from the police.

MS FURNESS: When you say there is nothing coming forward who do you say it should come forward from?

MS MUSULIN: I would like to see, where we do manage these people in our parishes, if we could be privy to a little bit more information around their offending and around the risk that they pose --

MS FURNESS: From whom?

MS MUSULIN: From the police, because they are the holder of that information. So we're expected to manage these people and keep our congregation safe but with very little, very limited, knowledge on the person.

The more knowledge we can have - and I understand that there are some things we cannot be told and there is some information police cannot share, but surely when they are a reportable sex offender, which in my experience most of them are a reportable sex offender, so they are reporting to the ANCOR unit - something as simple as why can't the police ask the offender, even if they can't mandate it yet because the legislation doesn't allow it to, in a voluntary capacity, ask them if they are going to a Church: "Are you going to a Church? If so, which Church are you going to?" Then they could provide us that information. Because, counsel, we can only manage, and we only manage, the ones
we know about. My bigger concern is the ones we don't know about, that are in our parishes. That's one of my biggest concerns, particularly when it is my job to keep children safe.

MS FURNESS: Thank you. Mr Tynan, you wished to say something about Towards Healing?

MR TYNAN: Partially about Towards Healing. It's the issue of independence or not. I'm probably going to be swimming against the tide arguing that, in fact, agencies such as Zimmerman Services are not well served being or appearing to be independent of the entity they are working in.

The reason I say that is if, as in the Irish model and in all the models of the representatives here, we're paid for by the Church, then we're an entity of the Church. You have to follow the money. And my experience is that we are able to achieve a level of cultural change from working internally and being a recognised and acknowledged part of the diocese, that I doubt we would be able to achieve if we were external to the diocese.

So, for example, if, from an investigation that we conduct, we identify some systemic weaknesses in a particular school, we can go directly to the leadership of that school and discuss those findings and establish a plan to address them, and that's a normative part of our process. The use of intelligence from individual investigations is a key component to improved practice.

I'm not saying that we do it perfectly. Indeed, I think I had a conversation with my staff a few weeks ago that I want to improve that particular area of our practice markedly.

MS FURNESS: Can I just interrupt you to ask you why you couldn't do that if you were not dependent on the Church?

MR TYNAN: If we weren't dependent on the Church, if we were funded by some other entity, we would be FACS, the Family and Community Services. My point is they don't do that, because it is outside their legislative mandate. We do it because our responsibility is primarily to the people of the diocese and if we see something that heightens, that brings concern forward around lack of protectiveness - not
that anything has occurred but it is that lack of
protectiveness - then we're empowered to do something about
it.

And the other element is around relations. You have
to establish relationships where you can have those direct
conversations and tell people, "Look, I know you are really
proud of your program or your school, but guess what, there
are some things that aren't actually okay and let's talk
about how we fix them."

MS FURNESS: You referred to looking at your
investigations as a whole and coming to a view about them.
You don't need to be dependent upon the church to do that
work, do you?

MR TYNAN: No.

MS FURNESS: Thank you. Your Honour, I have nothing
further.

THE CHAIR: Mr Gray?

MR GRAY: Just one matter, your Honour.

<EXAMINATION BY MR GRAY:

MR GRAY: I will ask you, Ms Larkman, and if anybody else
wants to comment they are welcome to do so. Two agencies
that are obviously very important in this whole area,
certainly in New South Wales in particular, are the
ombudsman and the police. Could you tell the
Royal Commission briefly something of the nature and extent
of your office's interactions with the ombudsman and the
police? Are they working well, is there anything you would
like to say about that?

MS LARKMAN: Yes. Well, when setting up the safeguarding
office, two main initial contacts I made were with the
NSW Police Sex Crimes Squad, I established a link there,
and it has been really useful for advice and support on
many of the ongoing matters that I deal with in terms of
safeguarding for priests and clergy; and the other
important link I have is with the ombudsman. So I meet
regularly with Kelvin Simon from the ombudsman's office to
talk through not only reportable conduct matters that we
have currently in hand, but also best practice, potential
matters that are coming to my attention, and I seek advice from them. So they are two really good resources that I use.

MR GRAY: Just focusing on New South Wales for the moment would you have anything to say, Ms Pirola, about those two aspects?

MS PIROLA: I think it is essential, a strong relationship.

MR GRAY: Do you have them?

MS PIROLA: Yes. All the New South Wales Catholic Schools Office have been meeting with the NSW Ombudsman quarterly for half a day, and then they meet as practitioners in the afternoon, for 16 years. That flows elsewhere. We have a strong relationship with the ombudsman's office. We often ring them to seek advice and we ask them to look at our systems.

Police, the Sex Crimes Squad - I think most of us would have contacts there, and our Local Area Command as well in Parramatta.

The other one that I would add to that is the New South Wales Children's Guardian. We have certainly in the last two or three years developed a much closer relationship with the Guardian, and we can ring and seek advice and so forth, as well. I think it's absolutely essential.

MR GRAY: Thank you. I will just move next to Mr Tynan, being another New South Wales participant. Without going over the ground you have already covered, are there any other remarks you would make about those two agencies?

MR TYNAN: I think I have canvassed the ombudsman. In terms of the police, one of the ways we have to measure whether in fact what we're doing works is to try to see ourselves through the eyes of an external statutory authority. At the moment, and for a number of years now, the police locally, and two strike forces in particular, have been referring victims of abuse to our healing and support program to be supported through the criminal process. Now, these are hard-boiled coppers. They are not going to put their witnesses at any risk. So it's from
that sort of conduct I know that we are conducting
ourselves appropriately and in fact starting to build up
some sense of trust and respect, hopefully, amongst police.
So our ability to exchange information with police is very
good. Bishop Malone established what was called an open
files policy - really a protocol more - and Bishop Wright
has supported and continued that. So we actively provide
information to police if they are conducting investigations
into the diocese around child protection issues.

I think the ability to obtain information around
people registered on the sex offenders register, is an
important consideration. We have had one particular matter
which has already been canvassed in case study 43, and we
had a very good experience in being able to work with
probation and parole there. But the question of what we
don't know in our parishes is one that haunts I think all
of us: are there offenders out there who we don't know
about? And if we don't, we can't do anything about it.

We became aware of one matter late last year, or
around August, actually, of an individual who was charged
for historic sex crimes, who was in one of our parishes,
and we established the undertakings from that individual,
we briefed particular individuals who were identified as
supports and guardians. You know, it is a formal process.
We do that. The parish priest is fully briefed and part of
it. So we have mechanisms to do it, but if we don't know
about it, then we can't. So that is certainly an area of
concern.

MR GRAY: Ms Musulin, you touched upon a related topic in
an answer you gave earlier, and I know the ombudsman is not
something that you have in Western Australia in the same
way --

MS MUSULIN: No, we don't have the same set-up as they do
in New South Wales.

MR GRAY: But about the police, apart from what you have
already said, is there anything else you would add?

MS MUSULIN: Not really, just a little bit more on what
I have already said about the police. It seems that we
give them information, but we get nothing back.
I understand the reasons for that, I've been a police
officer for 28 years, but I think that that process could
help - if we are setting ourselves up to protect children, as our archbishop will say, we are the leading contributors to the abuse of children in institutions, and now we have to be the leaders in the solution to the problem. Well, we need help doing that; we can't do it alone. To the point where I have sex offenders in my parishes, none of which are clergy or ex-clergy, they are laity or parishioners who come to Church with GPS tracking devices or Supreme Court orders. We are talking high risk, and when I ask parole why they have a GPS tracking device, one of the responses I received earlier on in my role was because of the high risk of grooming behaviour. Well, we know about that one, but, like I said - and as Sean said - what about the ones we don't know about?

I think we could make that better and I think we could be safer, especially given that when sex offenders, those who are convicted, go to prison, with the great chaplaincy and work that is done in prisons by churches, ultimately we will see churches of all denominations being the first stop for a child sex offender. So I think we do need a little bit more help than what we are getting as well in managing sex offenders.

COMMISSIONER MURRAY: Is one of your points, Ms Musulin, that a person who has left gaol has a right to practise their faith and you do not prevent them practise their faith, and on those grounds, you need to be provided what information you can. You do not have the option to exclude them from the Church, do you?

MS MUSULIN: That's correct, and that's a bit of a frustration as well. That's an argument one can have: do I think church is the place for them? For those who are truly repentant, yes, I do. Church is a hospital for the sick. And I think that if we do it right, keeping the safety of children and the vulnerable as the first priority, I think it can be done, but we need help. I think we need help in that.

COMMISSIONER MURRAY: I'm making a different point, though. As I understand it, you have no right to exclude them from Church?

MS MUSULIN: Correct. Correct. The Church agreements or memos of understanding that many of us work from are not legally binding documents. They are exactly that, a memo
of understanding, that they voluntarily agree to, and they voluntary agree to abide by the conditions therein.

MR GRAY: Finally, Mr Eustance, in terms of the police, apart from what you have already said - the nature and extent of your dealings in your position with the police in Queensland?

MR EUSTANCE: We have direct reporting protocols with Task Force Sano in Victoria, the New South Wales state sex crimes group and the Queensland Police Service child safety and sex crimes group as well, and simply it is a direct email or a phone number, and we will send everything in writing. We have a form that we notify them by.

I do a lot of liaising with different police services on behalf of a range of Church authorities in Queensland to get information from them. I have a very good connection with the people at the Queensland Police Service, for obvious reasons, and I find them refreshingly open, to be quite frank with you. They will share what they can. There are limitations, of course.

I have dealt with individuals on serious matters in those other organisations and I find them helpful. They will provide you with information because they understand that you need to prevent a risk. If you bear with them, I find that they do share the information to some extent.

The other states we don't have direct reporting - we don't have a lot of complaints from the other states. But if we did have information that related to that, we would then funnel that through the Queensland Police Service who would then put that in their national database, that information would be available.

MR GRAY: So in your experience, the dealings with the police are working broadly well?

MR EUSTANCE: It could be easier, but we don't have major frustrations when we need it.

MR GRAY: Those are my questions.

MS FURNESS: Nothing arising, your Honour.

THE CHAIR: Again, can I thank all of you for your
contribution today and formally excuse you. We will adjourn until when?

MS FURNESS: Monday morning at 10 o'clock.

THE CHAIR: 10 o'clock on Monday. We will adjourn.

<THE WITNESSES WITHDREW

AT 4.05PM THE COMMISSION WAS ADJOURNED TO MONDAY, 20 FEBRUARY 2017 AT 10AM
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