Child sexual abuse in the Catholic Church in Australia

Summary

For many years Australia’s Catholic Church resisted being held to account for the sexual abuse of children within its institutions. Residential institutions, in particular, where also the site of widespread cruelty and neglect. But persistent survivor truth-telling and investigative journalism eventually led to a national inquiry (2013-17) in the form of a Royal Commission, which was tasked with investigating child sexual abuse in all institutional settings across Australia, including religious institutions. This case study looks at the build-up to the commission and the impact it had after publishing its findings and recommendations.

A century of abuse

Many thousands of children suffered repeated and severe sexual abuse in Australia’s religious institutions, particularly those of the Catholic Church. The Royal Commission into Institutional Responses to Child Sexual Abuse, which reported its findings in 2017, heard cases of abuse across 964 Catholic institutions such as churches, religious schools and children’s homes. Abuse included such behaviours as fondling, masturbation and, in over half of the cases, rape. This was usually accompanied by other forms of abuse, including physical punishments, humiliation and chronic neglect.

The affected children were typically between the ages of 10 and 14, although many victims, particularly girls, were younger. Most were abused many times. Having heard testimony from thousands of survivors, the Commission calculated a crude average duration of abuse of 2.4 years, and 3.7 years in residential settings. More than 60 percent of the survivors who told the Commission they were sexually abused in a religious institution, suffered the abuse in Christian church organisations, most of which were Roman Catholic.

Substantially over-represented among the victims were Australia’s so-called ‘Stolen Generations’ – children of Aboriginal and Torres Strait Islander background who were forcibly removed from their families and communities by an assimilationist policy that placed

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2 Ibid. p. 279.
3 Ibid. pp. 278, 310.
4 Ibid. p. 278.
5 Ibid. p. 313.
them in residential children’s homes between 1905 and the 1970s. Sexual abuse of these children became an aggravating factor in their experience of cultural colonisation, in which their own culture was disparaged and their access to their home community denied.

The Commission found that several factors contributed to conditions conducive to abuse. One was the remote locations of some Church institutions in Australia, which distanced perpetrators from accountability and victims from avenues for complaint. Another was the religious relationship between perpetrator and victim, the latter often being blamed in theological terms for their own abuse; some victims were threatened with “being sent to hell” if they resisted, for example, or made to beg forgiveness from their abuser for the ‘sin’ of having been abused. This had an additional, ‘spiritual’ impact on the children, according to the Commission:

“While survivors told us about impacts that were common to all types of institutions – such as mental health issues, substance abuse, physical health effects and relationship difficulties – we also heard about impacts specific to those abused in religious institutions. These included spiritual confusion, loss of religious faith, ostracism from religious communities, breakdown of religious families, and loss of trust in those in positions of religious authority and leadership.”

For the same reasons, survivors of abuse in religious institutions generally faced additional barriers to making a complaint. The taboo nature of sex in ecclesiastical culture militated against exposing sexual violence, particularly when making a complaint risked dividing a devoutly religious family or community. The privileged status of the clergy as a revered and trusted profession put survivors at a disadvantage when making a complaint. Complainants were often punished for speaking out, using such methods as corporal punishment (caning), further sexual abuse and, in one case reported to the Commission, scrubbing the victims’ genitals to ‘cleanse’ her of the sin. For these and other reasons, the Commission found that it took an average of 24 years for survivors to report the abuse they suffered as children.

Very occasionally, victims of abuse fought back, but their resistance was quickly suppressed. For example, when Brother Edward Dowlan raped his student, Paul Tatchell, at a Catholic boarding school, the boy knocked him down and tried to run away to call his parents. The head teacher, himself an abuser, responded by locking Paul in a broom cupboard overnight and, later, expelling him.

As in Brother Dowlan’s case, the large majority of perpetrators of sexual abuse in the Catholic Church were members of the clergy or had other official roles in the Church. Between 1950 and 2010, more than 1,200 Catholic clergy in Australia were the subject of

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6 14.9 per cent of survivors testifying to the Commission identified as Aboriginal or Torres Strait Islander, a group that makes up only 3.3 per cent of the population of Australia, according to the official statistics.
7 Ibid. p. 279.
8 Ibid. p. 279. See also Book 1, pp. 517, 530.
9 Ibid. p. 279.
10 Ibid. p. 291. See also Book 1, p. 546.
11 Brother Edward Dowlan (who changed his name to Ted Bales to avoid further attention) was only reported to the police when Paul and other survivors spoke out. Dowlan was eventually jailed in the 1990s, and was convicted again of 34 new charges of historical abuse of children, the youngest of whom was aged eight.
12 Ibid. p. 278. A minority of perpetrators in residential settings were other children.
child abuse allegations. As an indication of the extent of the abuse, the Commission calculated that, over the same 60-year period, seven percent of all the country’s Catholic priests were alleged perpetrators of child sexual abuse. In one monastic order, the St John of God Brothers (commonly known as the Do-Good Brothers), two-fifths of its entire membership were alleged perpetrators.

The Church’s response

In view of its extent, senior clergy and the congregational community were aware of child sexual abuse as a common problem across Australia; they often also knew who the alleged perpetrators were. In the decades before the Royal Commission was established, however, the Church responded with pleas of ignorance, denial, minimisation and inertia, and even colluded to protect abusers. The Commission remarked on an institutional culture that “permitted abuse and silenced victims”. One priest, for example, had confessed his history of child sexual abuse to as many as 30 priests over a 25-year period, but no action was taken during that time to prevent him from offending or report him to the police.

The Church framed the problem in terms of the spiritual shortcomings of the perpetrators, rather than as a crime with lasting, traumatic effects on the abused children. The Catholic Church in Australia only instituted the mandatory reporting of allegations to the police in 2010. Until then, moving perpetrators to alternative institutions, where they were at liberty to abuse again, was common practice. Clergy under investigation were not suspended and were rarely defrocked even when found to have been abusing children. “Some perpetrators continued to offend after multiple responses following initial and successive allegations of child sexual abuse,” the Commission found, which condemned the Church response to the issue as “incomprehensible.”

For example, the priest Gerald Ridsdale was eventually convicted on four occasions of over one hundred offences against children, but was defended at his first trial by a fellow priest. This witness for the defence, George Pell, had been part of the clerical group that decided to move Ridsdale out of the parish, citing no reason at the time other than that the transfer “had become necessary”. Later, Pell himself was convicted of child sexual abuse, but not before he had risen to the office of Cardinal and head of the Catholic Church in Australia.

In some cases, Church officials were proven to have withheld evidence from police. In other cases, the police hierarchy colluded with the Church to thwart investigations. When one police officer, Denis Ryan, tried to pursue credible allegations of child sexual abuse, for

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13 Ibid. p. 288.
14 Ibid. p. 296.
15 Ibid. p. 296.
17 Ibid. p. 265.
18 Ibid. p. 314.
example, his superiors prevented him from doing so and then forced him out of his job, for which he received an official apology many years later.

In 2001, after decades of endemic child abuse in Australia’s Catholic Church, Pope John Paul II issued a brief and vague apology on page 46 of an apostolic exhortation (a type of papal communiqué) to the Church in Oceania. While mentioning the “great suffering” caused to the victims, the apology characterised the offences as a spiritual failing that had damaged the Church. As cases of abuse began to attract public attention, in 2008 Pope Benedict issued a further apology during a visit to Australia. He described child sexual abuse as “misdeeds”, claimed to “share in” the suffering of its victims, and encouraged Catholics in Australia to trust their bishops to deal with the problem.

Neither apology acknowledged the pervasive extent of child sex abuse in the Church or the inertia and complicity of clerical hierarchy, and neither statement recognised the abuse as a serious crime before the law. Both apologies also failed to mention any intention to provide redress or financial compensation for survivors.

Survivors campaign for justice

In view of the Church’s serial failure to respond to the abuse of children, it has fallen to survivors and their allies to lead the fight for change. In the 1990s a movement of survivors of abuse in Australian institutions throughout the 20th century began campaigning effectively for redress for those who suffered abuse while in out-of-home care; the Care Leavers Australasia Network (CLAN) was founded in 2000. CLAN’s combination of survivor advocacy and investigative journalism brought increased public attention to the issue and put it on the political agenda, which led to several commissions of inquiry at state and federal levels. The scope of these tended to focus on certain states, types of institution, victim groups and historical periods.

The first major breakthrough on the way to the Royal Commission came with the publication in 2010 of Hell on the Way to Heaven by Chrissie Foster. Chrissie’s local priest, Kevin O'Donnell, had repeatedly raped two of her three daughters, Emma and Katie, who did not reveal their abuse. By the time Chrissie and her husband found out, Emma was suffering from anorexia and self-harm, and had to be committed to a psychiatric unit. She died of an overdose in 2008. Katie’s own trauma had led to a drinking problem. One day she revealed O'Donnell's abuse in a suicide note. (Katie did not kill herself but was severely brain-damaged when hit by a drunk driver.) When O'Donnell was eventually convicted, the family rejected the Church’s minimal offer of 50,000 AU$ (34,000 US$) in compensation. Chrissie later told The Age newspaper that when Cardinal (then Archbishop) Pell visited the family to encourage them to accept the offer, he showed a “sociopathic lack of empathy”. She said that he told them, “If you don’t like what we are doing, take us to court.” The family did so, and after a ten-year process were awarded a much larger sum in compensation. In exposing a priest’s abuse of two girls, its deeply traumatic impact, and the Church’s
self-serving response, *Hell on the Way to Heaven* shocked the public and led to a parliamentary inquiry in the state of Victoria.

Meanwhile, journalists Joanne McCarthy and Suzanne Smith, as well as Paul Kennedy who worked with Chrisissie on her book, continued to cover hundreds of stories of clerical abuse. They pushed for a Royal Commission, but the moment would not come for three more years, when a senior police officer spoke out on national television. Over his 35-year career, Detective Chief Inspector Peter Fox had investigated cases of child sexual abuse in the Church and the hierarchy’s evasion of justice. In 2012 he joined a survivors meeting and heard their testimonies. After “seeing all the hurt within that room”, he broke ranks with his superiors by writing an open letter calling for a Royal Commission. It stated: “I can testify from my own experience that the church covers up, silences victims, hinders police investigations, alerts offenders, destroys evidence and moves priests to protect the good name of the church…”

Peter Fox then appeared on ABC’s *Lateline*, reaching a huge audience. He opened the interview with a particularly distressing example of abuse that he had investigated:

“One young boy… was 12 years of age when the priest [James Fletcher] drove to a secluded park outside of Maitland. He told the boy to remove his pants and the boy was totally unaware of what was going on and quite embarrassed but that particular priest anally penetrated him. The boy wasn’t aware at that stage that his anus had been torn and he started bleeding. He was screaming in agony on the seat and his knuckles were turning white, and as the priest continued to thrust while [the boy] screamed he said he focused on the St Christopher’s cross on the dashboard and watched it swaying back and forward to try and take his focus off the pain. The priest never relented at any stage… and even after the act was completed he was totally uncaring for the child and simply sat back in the driver’s seat and had a cigarette while [the boy] finished sobbing.”

A few days after the *Lateline* interview, Prime Minister Julia Gillard announced a Royal Commission, Australia’s highest most powerful type of inquiry.

**A national inquiry**

The Australian Royal Commission into Institutional Responses to Child Sexual Abuse investigated child sexual abuse in all ‘institutional contexts’, such as orphanages, juvenile system centres, sport clubs, youth organisations and the armed forces. The Commission was tasked with making recommendations for redress and the protection of children in the future. The Commissioners heard from nearly 7,981 survivors of child sexual abuse and received a further 1,344 written testimonies; many of the survivors were supported by CLAN to tell their stories. However, the true number of children affected remained unknown, the Commission said, but was probably in the tens of thousands.

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19 For much of the period under review, the Australian armed forces recruited adolescent children from age 15.
The Commission’s 21-volume report was published in 2017. It acknowledged that the sexual abuse of a child is “the greatest of personal violations” and recorded that:

“Many [survivors] spoke of having their innocence stolen, their childhood lost, their education and prospective career taken from them and their personal relationships damaged. For many, sexual abuse is a trauma they can never escape... We also witnessed extraordinary personal determination and resilience among victims and survivors. We saw many survivors who, with professional help and the support of others, have taken significant steps towards recovery.”

The Commission’s approach, which was based on a model used in the diplomatic services, drew praise. One survivor, John Ellis, told ABC News that he felt “listened to [for] the first time”; “The selection of commissioners themselves has been inspired. How they’ve dealt with the people… in private sessions, and what they’ve given to those people, is priceless. They treat the survivors who are coming to them as dignitaries.”

Once the Commission’s inquiry was under way, some senior clergy began to acknowledge the severity of the Church’s failings. Archbishop Coleridge, of the Brisbane Archdiocese, recognised a “colossal failure of culture” and a “colossal failure of leadership” in the Church’s response to sexual abuse by its clergy. His colleague, Archbishop Costelloe, of Perth, said the Commission’s findings pointed to:

“[a] massive failure on the part of the Catholic Church in Australia to protect children from abusers and perpetrators; a misguided determination by leaders at the time to put the interests of the Church ahead of the most vulnerable; and a corruption of the gospel the Church seeks to profess. As Catholics, we hang our heads in shame.”

Nonetheless, the Church did not cooperate fully with the inquiry. In 2014 the Commission asked the Vatican to hand over “files relating to allegations of clergy sexual abuse in Australia”, but received the reply that this was “neither possible nor appropriate”. Cardinal Pell, before his own conviction for child sexual abuse, also dismissed the Commission’s request as “unreasonable”.

Outcomes

Australia’s federal government and the Catholic Church have committed to implement most of the Commission’s recommendations. Most were published before the five-year inquiry concluded, in order to encourage urgent change as soon as possible. In 2018 then-Prime Minister Scott Morrison issued a national apology.

Significantly, in 2019 the Church adopted new safeguarding standards, which were developed by an independent organisation and tested against the Church’s legal obligations and the Commission’s recommendations.

However, the Church has also resisted some of the recommendations, including the Commission’s encouragement to remove policies that “prevent, hinder or discourage

20 Ibid. p. 265.
21 Ibid. p. 266.
compliance with mandatory reporting laws by bishops or religious superiors”. One such policy is the confidential ‘seal’ of confession. Speaking in 2019, Archbishop Comensoli, of the Melbourne Archdiocese, said he regarded the seal as sacred, and would not report suspected abuse to the police if it came to light in the confessional. Nonetheless, federal and state legislatures are now planning new legislation to make such reporting mandatory, as it already is in other professional contexts.

Additionally, child sexual abuse survivors will no longer face time limits on bringing legal action in historical cases after several Australian states and territories launched reforms following the establishment of the Royal Commission. Victoria removed limitation periods for civil claims relating to sexual or physical abuse of children in 2015, while New South Wales and Queensland followed suit in 2016, and South Australia in 2018.

In 2018, the Church signed up to the National Redress Scheme, which had been a longstanding demand of CLAN and was recommended by the Commission. Previously, the Church had already paid out A$276 million (US$188 million) to 3,066 abuse survivors between 1980 and 2015, equivalent to an average of $91,000 (US$ 62,000) per person. But advocates said that there was much variance in how the processes were conducted and what offers were made, that the management of abuse compensation should be handled by the government to ensure a consistent and fair system. For the national redress scheme, the Church estimated that its own share of the pay-outs would total $1 billion (US$ 680 million), equivalent to about three percent of the Church’s assets in the country (believed to be worth $30 billion, US$ 21 billion). While the Commission recommended capping a maximum single pay-out at $200,000 (US$ 136,000), the government unfortunately set a lower cap of $150,000 (US$ 102,000). There are still calls to increase the cap to the Royal Commission’s recommended amount, also amid criticism that only five percent of applications for compensation have been processed.

Compensation for abuse survivors was also obtained through civil courts, as the Commission’s findings have also been used as evidence in litigation. One of the Royal Commission’s powers is that it can recommend cases for prosecution, and upon concluding its work in 2017, it had made 2,575 referrals to authorities, including the police. In 2019 a survivor of serial abuser, priest Gerald Ridsdale, was awarded $1 million (US$ 680,000) in damages, after the court was presented with evidence from the Commission proving that the Church had known about Ridsdale abusing children and nonetheless moved him from parish to parish once a complaint was made. Ridsdale, who is thought to have sexually abused hundreds of children over 40 years, is currently serving a 29-year prison sentence for child sex offences.

Other legal reform includes abolishing the so-called ‘Ellis defence’, used by the Church for years to prevent lawsuits on the basis that Catholic dioceses and archdioceses do not legally exist, as its assets are held in a trust that was protected from legal action. The Royal Commission recommended the defence be scrapped, as it was a legal roadblock for abuse survivors seeking justice, and in 2018 the Victoria state Parliament closed the legal loophole,
now requiring unincorporated organisations to nominate a defendant with assets, capable of being sued. New South Wales followed suit in 2019.

Conclusion

It was thanks to an effective combination of survivor advocacy and truth-telling, along with persistent journalism and a police officer who broke ranks, to create the political conditions for a major inquiry into the institutional sexual abuse of children across Australia. The findings of the Royal Commission produced an official historical account of the scale and severity of the abuse in the Catholic Church and other institutions. The Commission helped to place the issue in the public consciousness, largely thanks to consistent media coverage of its work and findings. Its recommendations led to important legal and policy reforms, the establishment of a national redress scheme, and the inquiry itself is now considered a model for truth and accountability by survivor groups internationally.